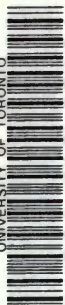


UNIVERSITY OF TORONTO



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J.B. Lynell

AN INVESTIGATION

OF THE

UNSETTLED

BOUNDARIES OF ONTARIO.

BY CHARLES LINDSEY.



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In the last line but one from the bottom, on page 63, for "1722-3" read "1742-3."

Read the first four lines on page 125 as the credit to the last paragraph in the text on the preceding page.



AN INVESTIGATION

OF THE UNSETTLED

BOUNDARIES OF ONTARIO.

To find the southern limit of the Hudson's Bay Territory, would be to find the northern boundary of Ontario; for the two territories are conterminous, and a common line of division separates the one from the other. This fact, which cannot be brought into dispute, forms a starting point in an enquiry which has for its object to trace out the western and the northern boundaries of Ontario. Where that line of division is to be found, is the first subject of enquiry; for on the extension of the Province northward, its western limit might more or less depend. The international boundary between Canadian and United States territory becomes coincident with the 49° of north latitude, west from the point at which a line drawn due south from the "most north-western corner of the Lake of the Woods" would strike that parallel; and it follows that if, west of that point, the United States territory abutted on that of Hudson's Bay, Ontario could not extend farther in that direction.

A line of boundary between the Bay and Straits of Hudson, with whatever adjacent territory France had previously taken from England on the one side, and Canada on the other, was agreed upon by the plenipotentiaries of England and France in 1713, and embodied in the Treaty of Utrecht. It was agreed that, in the construction of that instrument, when the definite line of division came to be laid down, a map which had been used by the plenipotentiaries of the two powers, with two lines of division marked on it, should

be an authoritative guide, and that the difference between these two lines, which was not great, should be the extent of the difference to be determined. The Treaty of Utrecht, so far as it was not derogated from, was revived and confirmed by the Treaty of 1763, by which France ceded Canada, with its dependencies, to England. The extent of the English territory south and west of Hudson's Bay was determined by the Treaty of Utrecht; and that part of Canada which is now Ontario was, by authority of the Crown and Parliament, made to extend northward to the southern portion of the Hudson's Bay Company's territory in the years 1774 and 1791, and this demarcation has never been effaced or altered.

To obtain a full and complete view of the whole subject, it will be necessary to trace briefly the history of the several treaties which were, from time to time, concluded on the subject of this frontier, through the rivalries and contentions of France and England for the possession of the Bay and Straits of Hudson.

Hudson's Bay was discovered in the year 1612 by Sir Thomas Button, who had gone in search of a previous discoverer, Henry Hudson.* This discovery was not followed by settlement or oc-

* It might, I think, be shown, if it were material to do so, that no national claims to territory could be founded on the discovery of Button, since his vessel appears to have been fitted out by merchant adventurers, and not by the State. In a similar case Great Britain denied the validity of the discovery of Gray, an American citizen, of the mouth of the Columbia River, on the ground that "he had only been on an enterprise of his own, as an individual."—(Rush's *Memoranda of a Residence at the Court of London*.) Button is said to have convinced King James, on his return, of the existence of a north-west passage; and James, the next Englishman who penetrated to the west coast of Hudson's Bay, is said to have been furnished with credentials from Charles I. (Barrow's *Arctic Regions*), which would give a national character to his enterprise. The French commissioners appointed to settle the boundaries of Acadia, in 1750, alleged that Cabot's voyage, being of a private character, could confer no national advantages on England; to which the English commissioners replied, admitting the principle but denying the fact. "It would be some argument," they said, "to shew this voyage was the adventure of Cabot, not made on the part of Henry VII., if all the ships which sailed under Cabot's command had been defrayed at his expense, and been his property." And further: "It would also be a circumstance favourable to the interpretation the French commissioners put upon this voyage, if Henry VII. had not in his letters patent inserted words by which he reserved to himself and to his crown dominion and royalty in all the lands which shall be discovered or settled by Cabot.

cupation, nor was any other English voyage to the Bay made till 1631, when Captain James reached Charlton Island, where he wintered. The Bay in which the island is situated still bears his name. These two voyages constituted the whole experience English navigators had of these waters up to the year 1667. We shall hereafter see England insisting on principles by which the voyage of James would be precluded from conferring extensive rights of territory in the interior of the country. Fifty-five years had passed since the first voyage was made; the captain of Sir Thomas Button's ship died at the Nelson River, and his experience was lost to the nation. More than a generation—36 years—had passed since James's voyage, and there was probably not then living one Englishman who had a personal knowledge of these seas and was capable of sailing a vessel there. Of the knowledge obtained in these two voyages, enough had no doubt been preserved to enable a skilful person to follow in the track of Button and James.

However this may be, it is certain that the next time Englishmen went to Hudson's Bay they were induced to do so by two Frenchmen, Radison and de Groiselier, by whom they were accompanied. Groiselier seems to have served in the capacity of captain on a vessel to the Bay, a few years later. While at the Lake of the Assinipols, these two Frenchmen had learned from the Indians that it was possible to go overland to the head of James' Bay; and, securing Indians as guides, they proceeded thither. They returned by way of Lake Superior to Quebec. They went to London, and induced some merchants and gentlemen to engage in an adventure in that sea. These adventurers engaged the service of Zachariah Gillam as captain. The voyage proved successful; and the prospect of future trade induced the adventurers to apply for a patent under which they hoped to obtain a monopoly to the trade of the Bay and Straits of Hudson. In this way originated the Hudson's Bay Company. The patent was granted in the year 1670.

Radison and de Groiselier afterwards went over to the service of the French, and, betraying the secrets of their previous employers, were the cause of Gillam's vessel being taken. M. de la Barre,

Governor of Canada, without submitting the matter to the Sovereign Council, ordered the restoration of the vessel. For this act he was officially censured by his superiors, was told that what he had done was entirely unwarranted, that the vessel should have been treated as a pirate, and that her surrender would be taken by the English as proof that they had legitimate possession of Nelson River before Radison and de Groiselier arrived there in the service of the French.

In the year in which it obtained its charter, the company sent out M. Bailly as Governor. He was accompanied by Radison; their residence was at Rupert River, where an indifferent fort was built.

The French began to show uneasiness at these movements. They reported that two English vessels had reached the Bay in 1669,* and that in the succeeding winter there remained there two vessels and three barks.† M. Talon claimed that all these countries were long since (*anciennement*) discovered by the French; and he now commissioned St. Simon "to take renewed possession, in His Majesty's name, with orders to set up the escutcheon of France with which he is entrusted, and to draw up a *procès-verbal* in the form I have furnished him." In 1661, Father Claude Dablon had attempted to reach Hudson's Bay overland; but he succeeded in only reaching the head waters of the Rekouba, 300 miles from [above ?] Lake of St. John.‡ Talon, on hearing of the English vessels in Hudson's Bay, proposed to despatch a French vessel thither if he could find adventurers to go at their own expense, and with the promise of some mark of distinction in case they succeeded. For the pecuniary outlay they were expected to indemnify themselves by trading with the Indians—a practice not uncommon in French discoveries in those times. Indeed, as a general rule, the fur trade paid for everything.§ Fur trading

* *Memoir by M. Talon to M. Colbert*, Quebec, Nov. 10, 1670.

† *M. Talon, Memoir to the King*, Quebec, Nov. 2, 1671.

‡ *Note by O'Callaghan to the Paris documents*, vol. ix. p. 97.

§ *Riverin. Mémoire sur les congés de faire la traite des pelleteries chez les nations sauvages du Canada*.

licenses were granted to enable the holders to discover new nations of Indians ; to form alliances and carry on commerce with them ; to take possession of distant countries in the name of the King ; to oppose the efforts of the English for territorial expansion.

By the year 1683, Louis XIV. had become fully alive to the importance of the trade of Hudson's Bay ; and in a letter to M. de la Barre, August 5, he said : " I recommend you to prevent as much as possible the English from establishing themselves in Hudson's Bay, possession whereof was taken in my name several years ago ;" and as he was aware that Col. Dongon, Governor of New York, had received special orders to be on good terms with the French in Canada, he thought the difficulties hitherto experienced would not again appear.

But things did not go well with the Canadian fur trade in the north. M. de la Barre, writing to M. Seignelay, Quebec, Nov. 16, 1683, says : " The English of Hudson's Bay have this year attracted many of our Northern Indians, who have not this season come to Montreal." This year, a small French vessel returned from Hudson's Straits to Quebec. She had been two leagues north of the Bay, and brought back the men sent out the year before by order of Count de Frontenac. M. de la Barre was anxious to be informed whether the king would desire to maintain the post established there ; for he had schemes of aiding the French, through Du L'Hut, overland from Lake Superior. The French, as admitted by English authorities,* had now made a settlement not above eight days' journey from the mouth of the Moose River.

By this time the two parties came to blows. The English drove the French from their establishment on Fort Bourbon.† In the previous year, a company formed at Quebec had sent two vessels to Hudson's Bay.

There is among the Paris documents a memoir, without date or signature, which recites what we know to be authentic, that, in 1627, the French King granted to the Company of the Hundred Associates the whole country up to the Arctic circle ;

* (Oldmixon, *The British Empire in America*.)

† (M. de Callières to M. de Seignelay, without date, but apparently written in 1784.)

but the question arises on the grounds on which the king founded his title. The English claim, on the ground of Button's discovery, might well be considered to have lapsed by abandonment; and the country was open to occupation by any nation that might have the enterprise to take possession of it.* But we do not find that the Company of the Hundred Associates entered on this part of their assumed domain. This memoir treats the Arctic circle as a natural boundary; it was rather one which it would be easy to understand. But the French Government could hardly have seriously entertained the idea of claiming the whole country to the Arctic circle, because Champlain was alleged to have taken possession of the Iroquois lands, when he ascended no higher than Lake Nipissing and Lake Huron. The ancient Register of the Council of New France, according to this memoir, records the fact that Jean Bourdon, in 1656, sailed along the coast of Labrador, with a vessel of thirty tons, and entered and took possession of the *Baie du nord*. The term is generally used as a substitute for Hudson's Bay; but it may here mean a Bay on the north side of Hudson's Strait. It is stated that Couture, with five others, went to the head of the Bay, overland, and set up the king's arms engraved on copper. The order of the Governor, Sieur D'Avaugour, for these men to set out on this mission, is said to be in existence, and to be dated May 20, 1663, as well as certificates of those who went. Seven years later, the account goes on to say, St. Luson was sent by the Intendant of Canada to Sault Ste. Marie, where seventeen Indian nations, coming the distance of a hundred leagues, voluntarily submitted themselves to the dominion of the French King. These seventeen nations are described as including the Ottawas, the Indians of Lakes Huron and Superior, of the whole northern country and of Hudson's Bay. An assemblage of Indians did undoubtedly take place at the place and time named, and the ceremony of taking possession was gone through, but what effect it could have on the right of France to Hudson's Bay is not so clear. The Hudson's Bay Company had been chartered the

* Grotius.

year before ; and English vessels had, according to the French official statements referred to above, wintered in the Bay in 1669.

This memoir resembles very closely, both in manner and argument, those of the French Commissioners appointed to settle the boundary of Acadie, or Nova Scotia, in 1750. One of its arguments is that "The settlement made by the English at the head of North Bay does not give them any title, because it has already been remarked that the French were in possession of those countries and had traded with the Indians of that Bay, which is proved still better by the knowledge the men named de Groiselier and Radison had of those parts where they introduced the English. They had traded thither, no doubt, with the old French *coureurs des bois*. Besides, it is a thing unheard of that rebellious subjects could convey any right to countries belonging to their sovereign." If it were certain that the country around Hudson's Bay belonged to the French at this time, the argument founded on that alleged fact would be irresistible. In one sense, it is true that these renegade Frenchmen, who betrayed both parties in turn, introduced the English, but not in the sense of taking them to a country of which they had no previous knowledge. They showed certain Englishmen what they induced them to believe would prove a profitable venture, and the latter embarked in it from motives of gain ; but it remains true nevertheless that the English had a practical knowledge of the geography and navigation of Hudson's Bay before it was attained by the French. Still it is a question whether they had not by neglect and abandonment forfeited any rights they might have derived from prior discovery.

It might reasonably have been questioned whether the fact of the English establishing a trading post and port at one or two points on Hudson's Bay, a large inland sea, gave the man exclusive right to the whole Bay, to the prejudice of all other colonizing and commercial nations, France especially, whose Canadian possessions were conterminous with those claimed by the English, if they did not include part of them. The English commissioners, on the Acadie boundary question denounced with just severity the practice of "every pilot or admiral taking possession of a

vast tract of country he never saw, upon the pretence of having landed on a part of it."

The year 1685 saw the formation of the Compagnie du Nord, with the sanction of the king. Denonville suggested that, if the king did not like to take in hand the expulsion of the English from the Bay, he might help this company to do it by giving them a few vessels of 120 tons, well armed and equipped. A company of Canadian merchants could not hope to rival the wealth of a powerful English company. And in the semi-private war that was carried on, on the shores of Hudson's Bay, they lost in 1682 a very large quantity of furs taken by the English, after the Canadian company's vessel had returned to Quebec. In 1688 the English built a fort on James' Bay (*au fond de la Baye du Nord*), north of one occupied by the French. The Compagnie du Nord asked the assistance of the French Government in this emergency.*

The Canadians were carrying on the contest against all the difficulties of land travel over hundreds of miles of wilderness. The Marquis de Denonville, writing on the 10th October, 1686, describes the route by Temiskamin and Abitibes as *un chemin terrible*, and so difficult that all that was possible for a war party to do was to carry sufficient provisions for the journey to the Bay and back; that of Nemisco, by Tadousac, was believed to be more facile; but it was admitted to be a long and painful route, rendered the more difficult by the obstruction of fallen trees which lay across a narrow river. It was estimated to be 250 leagues from the post of Quichichouanne to Port Nelson; and the road was not well known to Canadians by land, but they were determined that this ignorance should not stand in their way another year. Denonville says distinctly, *il n'est pas practicable pour y porter des marchandises*; and that owing to the immense cost of carrying goods overland, the commerce of the Bay could only be carried on with advantage by sea. And yet what was that commerce not worth? The fattest beavers and the best furs

* *Mémoire de la Compagnie du Nord*, Nov. 15, 1690.

were both found at the North. The French wished to exchange the fort on James' Bay for Fort Nelson, partly for this reason, and partly because it would enable them to stop the Indians who hunted on the borders of Lake Alenimipegais (Nipegon), who were in the habit of going to Quichichouanne, at the head of the Bay. So far the Compagnie du Nord had lost money. The furs taken from it by the English, under the guidance of Radison, were valued at a hundred thousand écus, without counting the profit it would have made on them.

All this shows the vast importance attached by both countries to the Straits and Bay of Hudson.

This year, Nov. 6 (1686), a treaty of neutrality was concluded between Louis XIV. and James II. It stipulated for a firm peace, union, concord, and good understanding between the subjects of the two kings in America. No vessels of either sovereign were to be employed in attacking the subjects of the other in the colonies; and no soldiers of either king stationed in these colonies were to engage in any such act of hostility, or to give aid or succour in men or provisions to savages at war with the other. The fourth article, as applied to Hudson's Bay, only helped to entangle matters still more:

"IV. It has been agreed that each of the said kings shall hold the domains, rights, preëminences in the seas, straits and other waters of America to which, and in the same extent which of right belongs to them, and in the same manner in which they enjoy them at present."

The French had then the Fort of Quichichouanne, on James' Bay, and the English had Fort Nelson. And it was agreed by the fifth article that the subjects of each king were to forbear to trade and fish in all places in America possessed by the other, whether havens, bays, creeks, roads, shoals or other places, under penalty of confiscation; but the liberty of navigation was in no manner to be disturbed where nothing was done contrary to the genuine sense of the treaty. This seems to have given the French a right to navigate the Hudson's Bay. If not, how were they to enjoy the right of fishing, which must have been an incident of

occupation in that part of the Bay in which they were established, and why was it provided that the right of navigation was not to be interfered with? Individuals and companies composed of the subjects of either nation, who owned vessels, were forbidden to do any injury to the subjects of the other on pain of being held liable for all damages so done, of having their property seized and their persons imprisoned. This prohibition included both the *Compagnie du Nord* and the *Hudson's Bay Company*. The captains of war vessels armed at the expense of private persons were to give bonds to make good damages which they might cause in contravention of the Treaty. The subjects of either king taking a commission in the army of any sovereign at war with the other was made an act of piracy. Disputes arising between the subjects of the two crowns, in the colonies, were not to be allowed to interrupt the peace, but were to be settled by those in authority on the spot; and in case they could not decide, the differences were to be remitted at once to the two sovereigns for settlement. If war were to break out between the two crowns in Europe, it was not to interrupt the peace between their subjects in America. "But there shall always be a veritable and firm peace and neutrality between the said peoples of France and Great Britain, all the same as if the said rupture had not happened in Europe."

Next year commissioners were appointed to execute the above Treaty and to "regulate and terminate all the contestations and differences which have arisen or may arise between the subjects of the two crowns in America, as well as to fix the bounds or limits of the colonies, isles, lands and countries under the dominion of the two kings in America, governed by their commanders, or which are among their dependencies." M. Paul Barillon, councillor of State and French Ambassador, and M. François Dusson de Bonrepas, were the commissioners for France; and Earls Sunderland and Middleton and Sidney Lord Godolphin on behalf of Great Britain. They concluded a provisional Treaty in the name of their sovereigns, by which it was forbidden that till the 11th January, 1689, N. S., and afterwards until the two sovereigns should give new

and express orders in writing, "to all persons and to commanders or governors of the colonies, isles, lands and countries under the dominion of the two kings in America, to exercise any act of hostility against the subjects of one of the said kings, or to attack them, and the commandants or governors shall not allow, under any pretext whatever, that any violence shall be done them ; and in case of contravention on the part of the said governors, they shall be punished and obliged in their own private names to make reparation for the damages that shall have been caused by such contravention."

But the limits of the territories were not settled, and the peace of neutrality did not prove durable. On the 28th March, 1693, we find the French King, in a despatch sent to Canada, announcing his intention to send at once Iberville, with his vessel, the *Poli*, and one belonging to the Compagnie du Nord, to Hudson's Bay, to attack Fort Nelson.* A similar enterprise had been set on foot two years earlier—only five years after the famous Treaty of Neutrality—but M. de Tas, who was to have had charge of it, only arrived in Quebec on the 1st July, when the season was too far advanced. Next year, 1692, Iberville, with the king's vessel, the *Poli*, was to have gone with a fleet of trading vessels to the Bay ; but he did not arrive at Quebec till the 18th August, when it was too late to proceed. Under these circumstances, the members of the Compagnie du Nord called on the King to give them sufficient aid to render them masters of Fort Nelson, which the English had taken from them. It was represented as the only post left to the English on the Bay ; and it was said that on its possession the whole question of the trade of the Bay turned.†

This year the Compagnie du Nord sent another letter to the same address, in which they stated they were ruined ; having suffered greatly by the necessity of carrying on the war against the English Company, by whom Port Nelson had been taken from them, in a time of peace, with 400,000 livres of effects. It

* Lettre de M. de Frontenac et Champigny, August 7, 1693.

† Lettre de la Compagnie du Nord du Canada a Monseigneur de Pontchartrain.

appears by this letter that the Compagnie du Nord had sent a vessel off Fort Neuve Savanne, Hudson's Bay, in 1690, which Fort was burnt by its English owners, with everything therein, rather than allow it to fall into the hands of the French; a fact which shows that the Treaty of Neutrality broke down on the occurrence of a rupture between the two nations in Europe, though its special object had been to keep the American colonies free from European entanglements. Fort Neuve Savanne, thus burnt, according to orders given in anticipation of the appearance of the French, was rebuilt the next year; the Quebec Company not being in a condition to prevent the restoration, or to occupy the post on its temporary abandonment by the English. This letter ended with the same declaration as the preceding, by saying that everything now depended on driving the English from Fort Nelson; and an appeal was made to France to render the necessary assistance.

The French sent four vessels of war to Hudson's Bay, and the first of them, the *Pelican*, arrived in view of Fort Nelson on the 3rd September, 1697, and was followed by the *Palmier*, the *Weesph*, and the *Profound*. Fort Nelson, after a bombardment, fell into the hands of the French.* During the war the English took some places from the French, on the Bay.

In the same year, the Treaty of Ryswick restored whatever had been taken by either nation from the other during the war; and it provided for the appointment of commissioners on both sides, "to examine and determine the rights and pretensions which either of the said kings hath to the places situated in Hudson's Bay; but the possession of those places which were taken by the French during the peace that preceded the present war, and were retaken by the English during this present war, shall be left to the French by virtue of the foregoing article." The terms of the capitulation of Fort Nelson were to be observed, the merchandize restored, and the prisoners set at liberty; the value of the goods lost was to be adjudicated and determined. The commissioners were to be invested with sufficient authority for settling the limits

* *Voyage de l'Amerique, par la Potherie, an eye-witness.*

and confines of the lands restored on either side.* The French claims under this Treaty were put in this shape: "Reciprocal pretensions of the French and the English over the Colonies. Countries taken by the English in the time of peace: Fort Bourbon on Hudson's Bay; the French drove the English out in 1685; the English retook it in 1690. The Fort to be given up by the English. Taken by the French in the time of peace: the two Forts on the south part of Hudson's Bay, of which the English were remitted the possession during the war."†

This ignores the retaking by the French of Fort Nelson in 1697. If, as by these accounts appear, this Fort was three times taken during the war, the duty of restitution would surely lie with the nation that took it first, if it remained in possession; if it did not, there would be nothing to restore. If the above assumptions were allowed, France would win in any case.

The limits were not settled; and the Lords of Trade interpreted the Treaty against the French, in 1700, as not implying "any extent of territory more than the places so taken and possessed." This Treaty, so far as it has any bearing on the subject, may be appealed to in the present question of the northern boundary of Ontario; for it is among those restored and confirmed by the Treaty of 1763. Though there is no longer a question of determining rival pretensions on Hudson's Bay, the restrictions as to space which the restorations of places conveyed, in the opinion of the Lords of Trade, may fairly be appealed to. Of the other treaties similarly restored and confirmed, the Treaty of Utrecht is one which has a most direct bearing on this question; and on it the whole question of our northern boundary seems to turn. It is, therefore, important to follow every step in the negotiations preceding the peace of 1713.

From first to last, England insisted on the restoration of the Bay and Straits of Hudson; not that France should renounce the right for ever of discovering or occupying lands hundreds of miles in the interior.

* See the Treaty of Ryswick, printed by authority in England, 1697.

† Correspondance officielle relative au Gouvernement du Canada.

The particular demands of Great Britain were formed into eight articles, which M. Mesnager transmitted to his Court, and received thence new powers, by which he was enabled to give the king's consent by way of answers, which were to be binding only after a general peace. The eighth article, relating to Hudson Bay, was in these terms :—

“Newfoundland and the Bay and Straits of Hudson shall be entirely restored to the English ; and Great Britain and France shall respectively keep whatever dominions in North America each of them shall be in possession of when the ratification of this Treaty shall be published in those parts of the world.”

The demands, with the answers of the French King, were drawn up and signed by M. Mesnager and the Queen's two principal Secretaries of State. In the preamble the French King sets forth : “That being particularly informed, by the last memorial which the British Ministers presented to M. Mesnager, of the dispositions of this crown to facilitate a general peace to the satisfaction of the several parties concerned ; and his Majesty finding in effect, as the said memorial declares, that he runs no hazard by engaging himself in the manner there expressed, and the preliminary articles will be of no force until the signing of the general peace ; and being sincerely desirous to advance to the utmost of his power the repose of Europe, especially by a way so agreeable as the interposition of a princess whom so many ties of blood ought to unite to him, and whose sentiments for the public tranquillity cannot be doubted ; his Majesty, moved by these considerations, has ordered M. Mesnager, knight, etc., to give the following answers in writing to the articles in the memorial transmitted to him, entitled “Preliminary Demands for Great Britain.”

The French King consented to allow the articles relating to Hudson's Bay to be referred to the general conferences of the peace ; but attached to it a condition respecting the fisheries of Newfoundland. “The discussion of this article,” the answer ran, “shall be referred to the general conferences of the peace, provided the liberty of fishing and drying cod fish upon the Isle of Newfoundland be reserved to the French.” Petitot and Monmerique

say that this was done by a private clause separate from the memoir;* but the statement is not confirmed by Bolingbroke, or Prior, or Swift, in his *History of the Four Last Years of Queen Anne*.

The instructions of the Queen to the Bishop of Bristol and the Earl of Stafford, the British plenipotentiaries who went to Utrecht to treat of a general peace, were dated Dec. 11, 1711, and were very specific on the article of Hudson's Bay and Straits: "As to our interests in the north parts of America, you are to be particularly careful, and to demand, in the first place, the restoration of the Bay and Straits of Hudson, together with such further security for the trade as you shall be able to obtain." This instruction was in accord with the preliminary demands previously made; both were confined to the "Bay and Straits of Hudson." This was eight months after England had refused the proposed alternatives offered by France; by one of which an exchange of places held respectively by the two crowns on Hudson's Bay was proposed, and both of which proposed to leave France a footing on that sea. England rejected both, and persisted in her demand for the whole of the Bay and Straits; not for an unknown and illimitable extent of country connected with them. These waters and the trade that centred on them were the great objects of desire; the possession of the waters was desired because it insured the trade, and if any additional securities could be taken for the trade they were to be demanded. But there was no thought of asking the whole country to the unknown Rocky Mountains; such a flight of imagination would have been impossible to men intent on the serious business of negotiating a general peace.

St. John, Secretary of State, in a letter (written in French) to M. de Torcy, May 24, O.S., 1712, communicated the proposals of the Queen for bringing to an end all disputes that had arisen in North America. One of these proposals was, in fact, an imperative demand: "The Queen insists on having the cannon and the munitions of war in all the forts and places in the Bay and Straits

* *Mémoires du Marquis de Torcy*

of Hudson." It could not have been the value of the cannon that dictated this demand; it was a measure of precaution and a means of giving security to the English trade on Hudson's Bay. The French King consented, *par une considération particulière pour la Reine de la Grande Bretagne*, to leave her the cannon and munitions of war, "notwithstanding the strong reasons he might have had for transporting them elsewhere."

On a proposal of the French it was agreed that, after the conclusion of peace, commissioners on behalf of both countries should be appointed, within a year, "to fix the limits between Canada or New France on the one side, and Acadie and Hudson's Bay on the other; as well as amicably to settle all just and reasonable claims, by one side and the other, for wrongs offered contrary to the rights of peace and war;" and after the line had once been determined, the subjects of the two crowns should be forbidden to cross it by land or sea, "or to molest the Indian nations who are allies or who have made their submission to either crown." The French plenipotentiaries, in their dispatch of April 18, 1712, say that "Lord Bolingbroke agreed to forbid the subjects of France and England to pass the limits when they have been fixed."

In this dispatch the French plenipotentiaries show the importance England attached to the possession of the Bay and Straits of Hudson. They report that they had made all the efforts in their power to regain Acadie, or at least to retain Newfoundland; but that they had found it absolutely impossible to succeed. The English plenipotentiaries "protested a hundred times that they had express orders to break up the whole negotiations (*de tout rompre*) rather than give way on one point or the other, as well as on that on the Strait and Bay of Hudson, where they even insist that all the cannon must remain to them." This the French plenipotentiaries say they would not have believed if it had not been confirmed by M. Gautier.

Queen Anne, in announcing to Parliament, June 6, 1713, the conditions of the peace, said: "Our interest is so deeply concerned in the trade of North America that I have used my utmost en-

deavours to adjust that article in the most beneficial manner. France consents to restore to us the whole Bay and Straits of Hudson; to deliver up Newfoundland, with Placentia, and to make an absolute cession of Annapolis, with the rest of Nova Scotia or Acadia."

Between the conclusion of the Treaty and the opening of the Session the Hudson's Bay Company had thanked the Queen "for the great care your Majesty has taken for them by the Treaty of Utrecht, whereby the French are obliged to restore the whole Bay and Straits of Hudson, the undoubted right of the Crown of Great Britain."

To obtain the whole Bay and Straits had almost become a tradition of English policy. The commissioners appointed to treat with the French in 1685, the Earl of Sunderland, the Earl of Middleton and Lord Godolphin, reported as their opinion "that it plainly appears your Majesty and your Majesty's subjects have a right to the whole Bay and Straits of Hudson, and to the whole trade thereof." Then followed His Majesty's decision thereon. "His Majesty, upon the whole matter, did conceive the said company well founded in their demands, and therefore did insist upon his own right, and the right of his subjects, to the whole Bay and Straits of Hudson and to the trade thereof."

It is evident from the foregoing that in all the negotiations between the two crowns, at different epochs, the British Government and plenipotentiaries had in view only to secure the restoration of the Bay and Straits of Hudson; and that they did not seek to get possession of an immense stretch of continent, of which the interior and extent were unknown to them, and to which the term "restitution" could in no wise apply.

When, during the negotiations for the peace of Utrecht, the projected article regulating the northern boundary of Canada was drawn up, it was found to contain expressions which alarmed the French Minister. Mr. Prior, who had been chosen from the first to assist in the negotiations, and who was then at Paris, stated in a letter to Lord Bolingbroke, January 8, 1713, the nature of the

difficulty and the guarantee he had given with a view of overcoming it :

“ As to the limits of Hudson’s Bay, what the Ministry here seem to apprehend, at least in virtue of the expression, *tout ce que l’Angleterre a jamais possédé de ce côté là*, which they assert to be wholly new, and which I think is really so, since our plenipotentiaries make no mention of it, may give us occasion to encroach at any time upon their dominions in Canada; I have answered that since, according to the *carte* which came from our plenipotentiaries, marked with the extent of what was thought our dominion, and returned by the French with what they judged the extent of theirs, there was no very great difference, and that the parties who determined that difference must be guided by the same *carte*; I thought that article would admit no dispute, in case it be either determined immediately by the plenipotentiaries, or referred to commissaires. I take leave to add to your Lordship that these limitations are no otherwise advantageous or prejudicial to Great Britain than as we are better or worse with the Indians, and that the whole is a matter rather of industry than dominion.”*

M. de Torcy† corroborates the above statement :

“ The plenipotentiaries of Great Britain insist that it shall be expressed, that the French shall restore, not only what has been taken from the English, but also all that England ever possessed in that quarter. This new clause differs from the plan, and would be a source of perpetual difficulties, but to avoid them, the King has sent to his plenipotentiaries the same map of North America as had been furnished by the plenipotentiaries of Great Britain. His Majesty has caused to be drawn upon the map a line which described the boundaries in such a manner as he has reason to believe it will be no difficult matter to agree on this point, on both sides.

“ If, however, there should be any obstacle which the plenipotentiaries cannot remove, the decision must be referred to com-

* *Letters and Correspondence of Lord Viscount Bolingbroke*, Vol. iii., pp. 265-6 : from Monsieur Prior, Jan. 7, 1713.

† *Mémoire pour Monsieur Prior*, Jan. 7, 1713.

missaires to be named for the adjustment of the boundaries in America."

We have no description of the lines traced on this map in words; but they probably did not extend far south of the Bay. The long and bloody contest between the two nations for the possession of Hudson's Bay was sustained by a desire of the French to have access to the water, and the determination of the English to exclude them from it. The truth is, as we have seen, the fur trade of the distant north could only be carried on with profit by water. To Quebec or Three Rivers, forty beaver skins made a canoe load. When the English were taken to Hudson's Bay by two French refugees, they went by water. A canoe load of northern furs was worth six of southern.*

Prior seems to apologize for the limited demands the British had made, as indicated by the line on their map. "I take leave to add," he says, "to your Lordship that these limitations are not otherwise advantageous or prejudicial to Great Britain, than as we are better or worse with the native Indians, and that the whole is a matter rather of industry than dominion;" that is, it was not the extent of territory that was of consequence but the trade, of which the development would depend upon the degree of activity exerted and the success obtained in securing the friendship and good will of the Indians.

The right of Mr. Prior to give a promise that, in case of dispute about this boundary, the map with the two lines marked on it would be the guide of those entrusted with the settlement, will not, I apprehend, be disputed. Though not one of the British plenipotentiaries, he took a prominent part in the negotiations. Louis XIV. settled at least one point with him. In a letter to the French plenipotentiaries, Feb. 9, 1713, he says: *L'article de Terre-neuve est réglé suivant la proposition concertée avec le Sieur Prior*. Prior accompanied St. John (Lord Bolingbroke) to Paris; and when the latter returned he remained there and kept up a constant correspondence with him on the subject of the nego-

* *Mémoire pour l'établissement du commerce de Canada, par Delino.*

tiations. The Secretary of State received from him the announcement of the guarantee he had given in reference to the map as a matter of course. Prior's business in Paris is stated by Swift to have been "to adjust whatever differences might remain or arise between the two Crowns." And Lord Bolingbroke, in a letter to M. de Torey, Nov. 1712, O. S., after remarking that the difference in the proposals that had been made, on one side and the other, was considerable only on two articles, that of North America and commerce, says: "Mr. Prior will canvass these points with you, and I confine myself to praying you to agree with him on some expedient, in order that the Ministers at Utrecht, having no occasion for disagreement, may unanimously concur in causing the others to share their pacific sentiments."

The existence of the map referred to by Mr. Prior had been overlooked till I, in the course of this investigation, came upon the facts. Nor is this the only instance of a map used in the negotiations of Utrecht being forgotten, even in a very short time after the event. That Treaty gave France certain rights of fishery, the extent of which depended on the position of Point Rich, Newfoundland. The British Ministry, in 1764, contended, on the authority of a letter from Prior and a petition of the English fishermen in 1716, that Point Rich ought to be placed in 50° 30' north latitude. The Council of Louis XIV. accepted the authority; but they afterwards discovered a manuscript map, which had been used in the negotiations, and which placed Point Rich in 49 deg. The difference between the two crowns reappeared on this discovery, and was not settled before war broke out again. If this map had been found in time, its authority would not necessarily have been held above dispute; for there had been no understanding that it was to be accepted as a guide in any dispute that might arise. The incident shows the importance of not overlooking, in questions of the kind, any maps that may have been used with the consent of both parties, in the negotiations of a Treaty.*

There are cases in which where a certain map has been made use

* Raynal : *Histoire Philosophique et Politique des établissemens des Européens dans les deux Indes*.

of in treaty negotiations, although it was not understood that any differences that might arise would be settled by reference to it, it has been regarded as evidence of the intentions of the parties to the Treaty. And this has been the case, even though the map proved to be incorrect in some minor particulars.

The Earl of Aberdeen took this ground in the north-eastern boundary question. Writing to Lieutenant-Colonel Escourt, the British Commissioner for tracing that boundary, March 31, 1843, he said :

“There is good reason for supposing that the lake designated in the Treaty as the Lake Pohenagomook, does not in reality bear that name, but a lake near the mouth of the St. Francis seems to be known by a somewhat similar appellation. The lake, however, intended by the Treaty is so clearly laid down in the map of the United States’ Surveyors, Renwick, Graham and Talcot, which was before the negotiators at the time of the signature, and on which they caused the line of boundary intended by them to be generally traced, that no mistake can well occur on that point. That map, although not to be taken as an authentic document attached to the Treaty, must nevertheless be considered as generally indicating the intentions of the negotiators; and may always be appealed to as general evidence of those intentions. By consulting the copy of it which is here attached, you will at once perceive the position of the lake intended by the negotiators of the treaty.”

The case here under consideration is one in which a certain map had been used by the negotiators of a treaty, and on which they had drawn a line to indicate that on which they were agreeing. But the map was not attached to the treaty, it was not signed by the negotiators, and they did not specifically agree to settle any difference that might arise on the actual location of the boundary by reference to it, as in the case of that used at Utrecht.

The 9th Article of the General Plan of Peace became the 10th Article of the Treaty of Utrecht; and the original *projet* of article, mentioned by Prior, seems to have undergone a modification of some words. The article, as projected at the time the lines

were marked on the map, I have nowhere been able to find. But the words to which the French took exception, according to the report of Mr. Prior, implied that they should restore "not only what has been taken from the English, but, also, all that England ever possessed in that quarter." For these words the Treaty substituted the stipulation, that the Most Christian King should restore to Great Britain "the Bay and Straits of Hudson, together with all the lands, seas, seacoasts, rivers and places situated in the said Bay and Straits, and which belong thereto, no tracts of land or sea being excepted which are at present possessed by the subjects of France."

This change of wording cannot be said materially to affect the sense; though it introduced greater propriety of expression. France could restore only what she had "taken from England"; she might cede what England had never possessed, if she were herself in possession of it. But the question always presented itself as one of restoration, not of cession. What was demanded, at first, was that France should restore everything England had ever possessed in that quarter: finally, she agreed to restore everything; Bays, Straits, Coasts, Rivers. This alteration of terms, while the substance remained the same, could not affect the lines the authorities of each country had traced on the map. These lines represented respectively the full claim of each country. The alteration of the wording did not introduce any greater definiteness as to where the line of boundary was to be drawn. The chief difference was that the word "rivers" had been included among the things France was to restore. The reasons for this may be discovered by an examination of the facts.

At the time the Treaty was signed, France was in occupation of Fort Bourbon, on the Ste. Therese (Hay's) River; a fort commanded by M. Jeremie, an officer regularly commissioned by the French Government. This fort appears to have been built at the mouth of the river; though Jeremie tells us that M. de Groiseliere had, many years previously, erected an establishment three leagues up the river, on an island on the south side; and that he had taken another establishment from the English seven leagues up the River

Bourbon (Nelson). The establishment situated seven leagues up the Nelson River, which M. de Groiseliors took from the English, 1697, does not seem to have been in existence at the Peace of Utrecht ; for we find no account of its being delivered up ; but the fact of its having once existed would help to explain why the English wished at first to include in the proposed restoration everything that England had ever possessed in that quarter. The restoration must in its nature be confined to what England had at some previous time possessed, and what France had taken from her. The most distant point at which the English had previously established themselves inland, was twenty-one miles up the Nelson River ; and that distance limits the extent of country which it was possible for France to restore to England. This view was taken by the Board of Trade and Plantations, on a previous occasion, when the restitution of places England had taken from France, on Hudson Bay, was stipulated for. The Board of Trade and Plantations being called to give their opinion on the certain alternatives proposed by the French, said :

“ The proposal for settling the limits between the English and French in Hudson Bay, [that was, between one post and another] is groundless ; for by the late treaty of (Ryswick) peace, art. 8, the only right reserved to the French in Hudson Bay is in relation to those places which were taken from the English by the French, during the peace that preceded the late war, and retaken from them by the English during the said war, which cannot imply any extent of territory more than the places so taken and possessed.”

This representation of the facts is not quite accurate. The restoration was stipulated for not in the VIIIth but in the VIIth article of the Treaty of Ryswick, 1697, and is in these words :

“ The Most Christian King shall restore to the said King of Great Britain all the Countries, Islands, Ports and Colonies, wheresoever situated, which the English did possess before the declaration of the present war, and in like manner the King of Great Britain shall restore to the most Christian King all Countries, Islands, Forts and Colonies, wheresoever situated, which the French did possess before the declaration of war.”

The VIIIth article, to which the Lords of Trade and Plantations referred, instead of containing the stipulation for the mutual restoration of places taken, merely provides for the appointment of commissioners "to examine and determine the rights and pretensions which either of the said kings hath to the places situated in Hudson Bay," and directs them in the execution of their duty. The VIIth article directs the restoration of "all Countries, Islands, Forts and Colonies wheresoever situated;" and it is expressly stated to be in virtue of this article that "the possession of those places (in Hudson's Bay) which were taken from the French during the peace that preceded the present war, and were retaken during this war, shall be left to the French." The restoration here provided for is as full and ample as that other restoration under the Treaty of Utrecht; and the Lords of Trade and Plantations were of opinion that it "cannot imply any extent of territory more than the places so taken and possessed." Neither, by the same rule, can the restoration under the Treaty of Utrecht.

M. Gallissonnière, in 1750, took precisely this ground. "The term restitution," he said, "which has been used in the Treaty (of Utrecht), conveys the idea clearly that the English can claim only what they have possessed, and as they never had but a few establishments on the sea coast, it is evident that the interior of the country is considered as belonging to France.* And more especially he said of Canada: "Its description will begin at the north and with Hudson's Bay, which bounds it on that side."

For the same reason, no argument can be drawn from the stipulations of the Treaty of St. Germain, 1632. England undertook "to give up and restore to his Most Christian Majesty all the places occupied by British subjects in New France, Acadie and Canada (*tous les lieux occupés en la Nouvelle France, l'Acadie et Canada, par les sujets de Sa Majesté de la Grande Brétagne*).

It has sometimes been alleged that France obtained Hudson's Bay from England by this Treaty. What she obtained was all the

* *Memoir on the French Colonies in America.*

places in the countries named, which were occupied by British subjects. Hudson's Bay was not so occupied by England; and if it had been—there was one English voyage made there the very year this Treaty was concluded—it would not have been held that it had been taken from France, for France had never been in possession of it. These were two conclusive reasons why it could not be “restored” to France by the Treaty of St Germain.

In the case of Acadie, there was an actual restoration. Though Acadie was restored to France by the Treaty of St. Germain, in 1632, without any delineation of limits, France actually took possession of the whole country, from Pentagoet to the River St. Lawrence, in consequence of that Treaty.* But she certainly did not take possession of Hudson's Bay.

The text of that part of the Treaty of Utrecht which refers to the restoration of the Straits and Bay of Hudson reads:

Art. X. *Dictus Rex Christianissimus, sinum et fretum de Hudson, unâ cum omnibus terris, maribus, oris maritimis, fluviiis, locisque in dicto sinu et freto sitis, ad eadem spectantibus nullis sive terræ sive marsi spatiis exceptis, quæ à subditis Galliæ imperæatoriarum possessa sunt regno et reginæ Magnæ Britanniæ pleno jure in perpetuum possidenda restituet.*

The following translation of Articles X. and XI. is from the copy printed by authority, in England, in 1713:

Art. X. The said Most Christian Kings shall restore to the Kingdom and Queen of Great Britain, to be possessed in full right for ever, the Bay and Straits of Hudson, together with all lands, seas, sea coasts, rivers, and places situate in the said Bay and Straits, and which belong thereunto, no tracts of lands or of sea being excepted, which are at present possessed by the subjects of France. All which, as well as any buildings there made, in the condition they now are, and likewise all fortresses there erected, either before or since the French seized the same, shall, within six months from the ratification of the present treaty, or sooner, if possible, be well and truly delivered to British subjects, having a commission from the Queen of Great Britain to demand and re-

* *Reply of the English Commissioners.*

ceive the same, entire and undemolished, together with all the cannon and cannon ball which are therein, as also a quantity of powder, if any there be found in proportion to the cannon ball, and with the other provisions of war usually belonging to cannon. It is however provided, that it may be entirely free to the Company of Quebec, and all other subjects of the Most Christian King whatsoever, to go by land or by sea, whithersoever they please, out of the lands of said Bay, together with all their goods, merchandize, arms and effects of what nature or condition soever, except such things as are above reserved in this article. But it is agreed on both sides to determine within a year, by commissioners to be forthwith named by each party, the limits which are to be fixed between the said Bay of Hudson and the places appertaining to the French, which limits both the British and French subjects shall be wholly forbid to pass over, or thereby to go to each other by sea or land. The same commissioners shall also have orders to describe and settle, in like manner, the boundaries between the other British and French colonies in those parts.

“XI. The above mentioned Most Christian King shall take care that satisfaction be given according to the rule of justice and equity, to the English company trading to the Bay of Hudson, for all damages and spoil done to their colonies, ships, persons and goods, by the hostile incursions and depredations of the French, in time of peace, an estimate being made thereof by commissioners to be named at the requisitions of each party. The same commissioners shall moreover inquire as well into the complaints of British subjects concerning ships taken by the French in time of peace as also concerning the damages sustained last year in the Island called Montserrat, and others, as into those things of which the French subjects complain, relating to capitulation in the Island of Nevis, and Castle of Gambia, also to French ships, if perchance any such have been taken by British subjects in time of peace; and in like manner into all disputes of this kind which shall be found to have arisen between both nations, and which are not yet ended; and due justice shall be done on both sides without delay.”

If the word “restitution” only had been used, the addition of

·rivers and tracts of land might have led to some obscurity. But this is prevented by limiting the restitution to things which are at present possessed by the subjects of France. Restitution could in any case extend no further ; but this specific limit may prevent some cavilling. France was to restore or give back to Great Britain the Bay and Straits of Hudson, together with all lands, seas and sea coasts, rivers and places situated in that Bay and those Straits, and which belonged thereto without exception. This would carry the Islands in the Bay and Straits and the tracts of lands and rivers along the coast on which the French posts were situated. The French had a post or fort at the mouth of the Nelson River, a post which had previously been in possession of the English. This they were to restore, with whatever extent of land they possessed, and which the English had possessed before, together with the river as possessed by them, and as it had before been possessed by the English. This river has a course, under one name and another, of over seventeen hundred miles. It could not have been intended that France should undertake to deliver this river, in its whole extent, to England. Both nations were then ignorant of the extent of this river. It was not till fifteen years afterwards that the French, who preceded the English by many years in discoveries in the West, heard from Indians, vague stories about the lands and waters of the West, much of which we know to be fabulous : of a great lake with three discharges : an invented source of the Columbia, the Mississippi and the Mackenzie Rivers ; of Indians who made houses in the earth for want of wood, which might have stood for a description of the Mandans, if their country had been placed at the mouth of a river flowing into the Western Ocean ; of a race of men only ten days' march from Lake Nipigon, three feet high, and of another race farther on who speak like the French ; of a brilliant mountain, held in respect and renown by the Indians, which shines day and night.*

These stories, which contain more of the fabulous than the real,

* *Mémoire du Sieur de la Verandrye.*

continued to be repeated for some years ; and it was not till thirty-nine years after the Treaty of Utrecht that French discoverers had sifted what was true from what was false. Could the government of one nation undertake to deliver these countries to another in 1713 ; and to do so under the name of restitution ? The very statement of the question is a sufficient answer.

There is nothing in the account given by Jeremie, who had had command of Fort Nelson six years at the Peace of Utrecht, of the country on the west shore of Hudson's Bay, to induce the belief that the French had, at that time, penetrated westward as far as Winnipeg. It is quite certain, I think, from all he says, that they had not ; that their knowledge of the upper country was derived from the Indians. He says the first great lake through which the Therese (the Hayes) river passes—there is no great lake in fact—is called by the Indians Patusquonan Secalugan, which signifies the Lake of Forts, in which discharges a river called Quissiquatchiouen, or swift water. There is nothing in the geography of the whole country between Hudson's Bay and the Rocky Mountains which answers the following description : “ The River Quissiquatchiouen has its source in a lake called Michinipi, or great water, because it is the largest and deepest of all the lakes and is over 600 leagues round. It receives several rivers, some of which connect with the Danish river ” [which empties into Hudson's Bay, at the north-east]. Jeremie's knowledge of the geography of Hayes River was tolerably correct. He describes it as dividing into two at a distance of twenty leagues from the Fort ; which is near enough the truth, and says that most of the Indians came down the Nelson to where there is a communication between it and the Hayes : which is also correct. And he adds that, twenty leagues above the first fork, another comes from the south, which the Indians call Guiché Mataouang or Grande Fourche ; and that it communicates with the River L'Huiles, which enters the sea a hundred leagues south of Fort Bourbon. He says the western branch is not of great extent, in which he is speaking comparatively—he is certainly wrong—and he says it divides into several little creeks where it has its source ; which there is reason

to believe is correct. Of the country west of this point he evidently knows nothing. Jeremie's opportunities for obtaining a knowledge of the geography of this part of the country were better than that of any other Frenchman; and what he did not know, none of them could have known.

The French could not be said to be in possession of countries they had never seen; and they were to restore to the English only what they were in possession of. If they were in possession of only the mouth of the Nelson River, they could not deliver up the Saskatchewan, of which probably they did not even know the name, unless as the Quissiquatchiouen; and of that the description certainly does not fit.

But the Treaty itself fully bears out the idea that the English boundaries were to be restricted to a line at or near Hudson's Bay; for it provides for the appointment of Commissioners to mark out "the limits which are to be fixed between the said Bay of Hudson and the places appertaining to the French;" not between the waters that run into Hudson's Bay and those that run in some other direction; not even between Hudson's Bay and Canada, but, between "Hudson's Bay and the places appertaining to the French;" places which might possibly not be included in the term Canada; of which the application was, for a long time, very restricted.

Commissioners to settle the boundaries were not appointed within the time specified, and not for many years afterwards. Commissioners were appointed under the IXth Article of the Treaty of Navigation and Commerce, early in 1714, the instructions of the English Commissioners bearing date February 14, 1714. The question of boundaries was raised; but the French Commissioners on the 13th May stated that they had no authority to deal with it.

Plans for preventing the descent of the Indians to the Hudson Bay Company's posts from the first formed a chief feature of the French policy. This resource was more than ever necessary to them after they had lost their posts on Hudson's Bay by the Treaty of Utrecht. Accordingly we find the Hudson Bay Company, in August 1719, complaining of the establishment

by the French, in 1715, of a settlement at the head of Albany River, at the mouth of which the Company's principal post, as they chose to call it, (the old Fort of Chichitouan, or Quichehouanne) was situated. They therefore asked that a boundary line overland might "be drawn so as to exclude the French from coming anywhere to the northward of the line 49°, except on the coast of Labrador;" and they added, "unless this be done, the Company's factories at the bottom of Hudson's Bay cannot be secured or their trade preserved." The French Government, by a curious coincidence, brought this question, through its Ambassador at London, before the British Government, and in October the intelligence of the proposal to appoint Commissioners had been received in Canada with great satisfaction,* for the Canadians, on their side, complained of English encroachments on another part of the country. The English Commissioners were instructed to "take special care in wording such articles as shall be agreed upon with the Commissioners of his Most Christian Majesty upon this head, that the said boundaries be understood to regard the trade of Hudson's Bay only." Was this in pursuance of the policy which the Lords of Trade, in 1768, declared to be that by which England regulated its conduct in America? "The policy has been," they said, "to confine the settlements as much as possible to the sea coasts, and not to extend them to places unaccessible to shipping and more out of the reach of commerce." Did England, always ready to struggle with France for the possession of the coasts of Hudson's Bay, practically discourage collision with the French in the interior of the country where her fleets could not reach?

Three years after the Hudson's Bay Company had complained of the existence of the French Fort at the head of the Albany river as an encroachment, the French King made known his intention, through Vaudreuil (September 1722), to restrict the post of Temiscamigue within what were called its natural limits; to the lands watered by the River Temiscamigue [the Ottawa river above the Matawan formerly bore this name] and others that

* *Lettre de MM. de Vaudreuil et Begon, Octobre 26, 1719.*

discharged therein, without including the lands either above or below that river.*

This appears to have led to an adjudication on the subject of the limits of this post; it is certain that there was such an adjudication. A memoir of Begon, October 20, 1725, describes the ancient limits of Temiscamigue to be: "On the front, from and comprising the River du Lievre, which discharges into the Grand River of the Ottawa, on the north side as far as comprising Lake Nipissingue, and in depth to Hudson's Bay, where it is possible to go only by the river Monsipy, which discharges into that sea at the head of the said Bay." The height of land at the Rivers Labrinthe and Tabitibis is stated, in this memoir, to be sixty leagues from Lake Temiscamigue. This is a point which the surveyors who establish the line of boundary between the Provinces of Ontario and Quebec at this point, will soon determine. De l'Isle's map does not make it any such distance, nor does that of the Hudson's Bay Company, 1857. At this time, the most advanced post of the French towards Hudson's Bay was situated on this portage; and there a trade was carried on with the neighbouring Indians and those of Hudson's Bay who descended by the river Monsipy, (marked Monsony or St. Louis on De l'Isle's carte). The English had a fort on the Monsipy, apparently situated on the east side at or near the mouth; and the French did not think it prudent to extend their establishments farther north, lest they should expose themselves to the insults of Indians in the interests of the English. *Pour ne pas s'exposer aux insultes des sauvages qui pourraient être gagnés par les Anglais, que sont établis au fond de la mer, ou est un fort nommé Monsipy.*

It does not appear certain whether the French post, at the head of the Albany river, had been abolished in 1725; but the statement that on the height of land above Temiscamigue was the nearest they had to Hudson's Bay, seems to lead to that conclusion.

* *Mémoires des représentations sur l'adjudication qui vient d'être faite du poste de Temiscamigue.*

It is to be borne in mind that if these were the ancient limits of the post of Temiscamigue, they seem to have been intended to shew the rights of the person then in possession. And when the King proposed to restrict the limits, three years previously, it does not appear that the proposal had any reference to an international boundary; but that he desired to do so because, prior to the adjudication on its limits, it was thought to encroach on the rights of the holders of other posts. The decision proceeded on the principle that it was necessary to include the River du Lievre, in order to secure certain limits, and because if this river were not included, whoever had the permission of trade there might attract Indians from the post of Temiscamigue; and for the same reason Nipissingue was included in it. Practically, at this point, one of the most accessible, if not the most accessible to Hudson's Bay, the French were confined to the height of land, twelve years after the conclusion of the Treaty of Utrecht, and six years after an abortive attempt had been made to fix in a definite manner the boundary line between Canada and Hudson's Bay Territory. The French had, in 1703, if De l'Isle's map may be relied on, a post north of the height of land on the river Abitibis, and it is certain that they were not required to vacate this post, as they were that of Bourbon after the Treaty of Utrecht. If the post of Abitibis was held by the French till the peace of 1713 and afterwards abandoned, its abandonment must have been a voluntary act. It was not ceded to the English, for nothing was ceded; it was not included in the restoration, because the English had never before been in possession of it, and there is not the least reason to believe that the Hudson's Bay Company ever established a fort or trading post at that point so long as the French remained masters of Canada. Afterwards that Company appears to have established itself there as it did at many other points, south and west, long after the French and Canadians had shewn it the way.

In 1774, the Hudson's Bay Company had a post at some point south of Hudson's Bay in the direction of Temiscaming. This was probably on the site of the old French post of Abitibis. The French at that date, when there was war between the two nations,

had a scheme for destroying that post as well as Fort Rupert, and the other English establishments on the north by the aid of the neighbouring Indians.* But the want of supplies prevented the enterprise being attempted. Beauharnois found himself obliged to act strictly on the defensive.†

There is what might easily be mistaken for a French admission of the Hudson's Bay Company having pushed some distance inland as early as 1682. M. de la Barre, writing in November of that year, says: "As to what relates to Hudson's Bay, the Company in old England advanced some small houses along a river which leads from Lake Superior. As possession was taken of this country several years ago, we will put an end to this disorder, and report next year the success of the design."

The expression here used, "A river which leads from Lake Superior," evidently contains a geographical error. The reply of the French King to the Governor, M. de la Barre, April 10, 1684, mentions the name of the river which Radison and de Groisseliers had taken from the English—an establishment seven leagues up the Nelson River. The English Court instructed its Ambassador at Paris to enquire into the matter, whereupon the French King, taking De la Barre into his confidence, lays before him the policy on which he counts for success.

"The King of England has authorized his Ambassador to speak to me respecting what occurred in the Nelson River between the English and Radison and de Groisseliers, whereupon I am happy to inform you that as I am unwilling to afford the King of England any cause of complaint, and as I think it important nevertheless to prevent the English establishing themselves on that river, it would be well for you to have a proposal made to the Commandant at Hudson's Bay that neither the French nor the English should have power to make any new establishments; to which I am persuaded he will give his consent, the more readily as he is not in a position to prevent those which my subjects would wish to form on said Nelson river."

* *M. de Beauharnois to Comte de Maurepas*, Oct. 8, 1744.

† *M. de Beauharnois to Comte de Maurepas*, Montreal, June 18, 1745.

When the Governor de la Barre mysteriously hinted at some measures that were being taken to drive the English from the river in question, he probably had reference to the expedition of Radison and de Groisseliers from Quebec. The date, 1682, is, I think, sufficient to settle this point.

The suggestion of the French King that the traders of both nations should debar themselves from making any establishments in Hudson's Bay, does not appear to have been acted upon. The Marquis de Denonville, October 13 and Nov. 16, 1688, speaks of a "convention concluded with England, that the river Bourbon or Port Nelson shall remain in joint occupation of the two Crowns." It would be better, he thought, that the French should exchange Port Nelson for the posts at the head of the Bay." If this arrangement were favourable, he added, "the Indians could thus be intercepted by land; for it would be useless to attempt to become masters of the upper parts of the Rivers Bourbon and Ste. Therese, inasmuch as it would be impossible to prevent the Indians trading with the English." If this is not very intelligible, it is sufficient to show that the English had not occupied the upper parts of these rivers.

The weakness of the Canada Company was its want of capital and naval armaments; and it was obliged to beg assistance from the French Court.

In 1705, a new appeal to the King was made to send a vessel from France with provisions for the Garrison, which was in danger of perishing if it did not obtain assistance; and the Quebec Company was in no condition to render the necessary aid.*

But this maritime weakness necessitated greater exertions by land, which tended to confine the English to the shores of the Bay. In the spring of 1709, a party of Canadians went overland to Hudson's Bay and attacked the English Fort of Kitchichouane, but the enterprise failed, not without some loss to the attacking party.† The Ministry blamed M. Vaudreuil for taking part in this expedition out of motives of interest; but he

* *Lettre de MM. de Vaudreuil et de Beauharnois*, 19 Oct. 1705.

† *Lettre de M. Radout au Ministre*, Quebec, 14 Oct. 1709.

replied that he had only acted on the King's orders and theirs, and that if he had taken an interest in an enterprise which cost the King nothing, he had done so in order that it could not be said that Radout had done more for it than himself.

The proposal of the Company to adopt the 49th degree of latitude everywhere, except on the coasts of Labrador, was not one that could be sustained under the Treaty of Utrecht. It would have come down nearly to the mouth of the Nipigon River; an encroachment on the southern watershed to which it never pretended any sort of right. The proposal was made in a bargaining spirit and with the view of wresting from the French a portion of the fur trade, of which they were admittedly in possession. The most extended meaning of the word "rivers" in the treaty could not justify England in overstepping the height of land from the north. On this point there cannot possibly be any dispute. The English Commissioners (1719) made claims in accordance with the proposals of the Company, and asked besides the exclusive control of all the rivers that empty into Hudson's Bay.

A geographical difficulty presented itself. The English and French maps showed a difference of two degrees; so that a common basis for the discussion of the English proposition to adopt a parallel of latitude as the boundary was wanting. No further proceedings took place before the Commissioners. The two maps were probably about equally wrong. The Hudson's Bay Company, in one of their proposals respecting a boundary, July 10, 1700, placed Albany River in the 53rd degree of latitude. If any progress in the geographical knowledge of that part of the world has since been made, this was about a degree too high: it is about a degree higher than their own map of 1857 places it.

Can it be the difference in the maps represented by the two lines drawn when the negotiation of the Treaty of Utrecht was going on? These lines were to form a guide in the settlement of the question, whenever Commissioners were appointed, and the difference between them was to be the measure of what it would be possible to bring into contention. If the difference between the two maps represented the difference between these two lines;

and if the English demands were coincident with the English line, it would follow the territory in dispute lay between the 49th degree and 51st degree of north latitude. On this view, in the absence of particular facts to guide us, we have no right to suppose the question could not be settled otherwise than by an equal compromise, which would have given Canada then, and would now give Ontario, the 50th degree for its northern boundary.

It is perhaps not probable that the difference in the maps represented the difference in the two lines drawn by the negotiators of the Peace of Utrecht. The question was scarcely touched by the Commissioners, and it has never at any time undergone an exhaustive discussion. The Commissioners appointed in 1750 to settle the boundaries between the French and British possessions in America confined their discussion to the ancient limits of Acadie or Nova Scotia and the Island of St. Lucia. It was, no doubt, then intended to bring all the disputed boundaries between the two nations in America under discussion, with a view to their settlement; and the Hudson's Bay Company was asked to lay before the Lords of Trade and Plantations a statement of the limits of the territory granted to them. The Company accompanied their reply with a map which they seemed to think would stand in the place of a particular description; but they also stated their claim in the following words: "All the lands lying on the east side or coast of the said Bay, and extending from the said Bay eastward to the Atlantic Ocean and Davis' Strait, and the line hereafter mentioned as the east and south-east boundaries of the said Company's territories; and towards the north all the lands that lie at the north end, or on the north side or coast of the said Bay, and extending from the Bay northwards to the utmost limits of the lands towards the North Pole; but where or how these lands terminate is hitherto unknown. And towards the west all the lands that lie on the side or coast of the said Bay, and extending from the said Bay westward to the utmost limits of those lands; but where or how these lands terminate to the westward is also unknown, though probably they will be found to terminate on the Great Sea towards the South."

The claim to go to the utmost limit of the land on the north

and the west—lands of which the extent was confessedly unknown to the claimants—is, considering the extent of country—embracing seventy-five degrees of longitude, from Labrador to the Pacific, and twenty degrees of latitude, or about 2,900 miles by 1,500—perhaps the most extraordinary ever made. It is a curious coincidence that the description given of their northern boundary by the Company was almost exactly the same as had been previously given by the French of theirs: translate the French description, *du côté du nord autant s'étendent les terres dudit pays*, and we have the words of the English claim. The French claim, barring occupation on the coasts of Hudson's Bay, must have been just as good at the time it was made; and as possession is an important item in the validity of any such claim, and the French were actually in possession of a large part of the country to the westward, claimed by the Company, in 1750, it will be necessary to review the question in the two-fold aspect of those two claims, and the degrees of possession with which they were accompanied.

In 1651, Lauzon was appointed Lieutenant-General of New France, and his authority was to extend on the north as far as the land extended, (*du côté du nord autant s'étendent les terres dudit pays*) and in the same way as it had been held and exercised by Sieur Daillebout. This seems to imply that it was not the first time such a description had been given. The same extent of country on the north is given in the letters patent which appointed Vicomte Argenson, Governor of New France, January 26, 1657, as well as in the letters patent appointing Sieur de Mezy Governor of New France for three years, in the place of Sieur de Bois d'Avangour, recalled May, 1663.

When the first of these commissions was issued, not a single English vessel had visited Hudson's Bay for twenty years, and only two had visited it in half a century, when the last of them was issued: and at no time had there been any continuous possession, any settlement made, colony planted or trading establishments set up. It is obvious that mere discovery, in the face of these acts, could not confer any exclusive territorial rights, in

Hudson's Bay, upon England. The French claim, at that time, to extend to an unknown Arctic sea may have been equally extravagant and worthless; on a par with that of the Hudson's Bay Company to indefinite extension westward over countries which they had never explored and of which they confessedly knew nothing.

A short time before the date of the above Commissions, another form of description had been in use. The commission of Sieur Hauault de Montmagny, as Governor and Lieutenant-General of Quebec, was received on the 6th June, 1645. He was to represent the person of the Sovereign at Quebec, and in the provinces watered by the River St. Lawrence and other rivers which discharge therein, and places dependent thereon, in New France (*dans les Provinces arrosées du Fleuve St. Laurent et des autres rivières déchargeant en icelui, et lieux qui en dependent en la Nouvelle France*).

After New France had several times been officially described as extending as far north as the land extended, it seems to have been taken for granted that its limits had by repetition become established and understood. Accordingly a particular description is dispensed with. The Commission of M. Talon, dated March 23, 1665, makes him Intendant of Justice, Police and Finances in Canada, Acadie, Terre-neuve, and other countries of the France of the North (*et autres pays de la France Septentrionale*). The description in the Commission of M. de Bouteroue, April 8, 1688, is in the same terms. One Commission, that of M. Bigot, had at an earlier date contained a general description. It made him Intendant of Justice, Finance and Marine in Canada, Louisiana and all the lands and isles dependent on New France (*dans notre pays de Canada la Louisianne et dans toutes les terres et îles dépendantes de la Nouvelle France*). At a much earlier period, a clause which seemed to show a desire to respect the rights of other Christian Princes was sometimes inserted in the French Commissions. The letters patent, January 12, 1598, appointing Sieur de la Roche Lieutenant-General of Canada, Hochelaga and Terre-neuve, Labrador, the River of Grand Bay, Norembeghe, and all the

lands adjacent to the said Provinces and Rivers, assumed that they were not inhabited by any Christian Prince, and contained a proviso that the countries over which his authority was to extend should not be any that were under the obedience of any princes and potentates, friends, allies or confederates of the French Crown.

Each of these classes of descriptions has a distinct character of its own. The oldest assumes an uncertainty about the extent of the neighbouring countries, the colonies of other nations, and a desire to respect their rights ; but even in that respect a preference was given to friends, allies and confederates. Then came the era of a more distinct description of boundaries, even when the uncertain was being dealt with. And, lastly, the name of the country came to be substituted for a particular description, as if its boundaries were sufficiently recognized for all administrative purposes.

The difference between the French and the English claims is this : The French, when they claimed to extend their Canadian possessions as far north as the land extended, had not possession of the Hudson Bay ; the Hudson Bay Company held possession of that Bay when, in 1750, they claimed to extend to the utmost north. So far the difference may be admitted to be in favour of the English ; but when we come to what they claimed in the west, this rule tells against them. In 1750 the French held possession of nearly the whole country, from Lake Nipigon, Kaministiquia and the Grand Portage, west of the mouth of the Pidgeon River, on Lake Superior, to the Rocky Mountains, at the foot of which, on the River Saskatchewan, they, two years later, established Fort Jonquière. Their explorers had first come within sight of the mountains, on the 1st of January 1743, seven years before the Hudson Bay Company claimed to extend westwards, they knew not where. In 1731, nineteen years before this extraordinary claim was made, the French established Fort St. Pierre, at the discharge of the Lac la Pluie ; in the year after, they erected Fort St. Charles on a river connected with Lake Minitie, or the Lake of the Woods ; Fort Maurepas, after the name of the French Minister, on the Winni-

peg River ; Fort La Reine, on the Assiniboine or St. Charles, on the 3rd October, 1738. The Assiniboine River became the centre of the French establishments in the north-west, and the point where their discoverers set out on new adventures. On the River Des Biches, Fort Bourbon was built. On the 19th March, 1743, Chevalier de Verandrye and his brother took possession of the upper Mississippi, in token of which they buried on an eminence near the Fort, a plate of lead, bearing the arms of the French King. Five years later, he ascended the Saskatchewan, or Poskoyac, to its forks, when he learnt from the Indians that it had its source in the Rocky Mountains. It was in 1752 that some of his men established Fort Jonquière, he himself having been unable from exhaustion to proceed the whole distance. The Marquis Duchêne de Menoville, by whom De la Jonquière had been succeeded, sent M. de la Corne to succeed M. de St. Pierre, in charge of the posts of the west.*

It is evident from the whole negotiations, that France never intended to renounce by the Treaty of Utrecht the rights of discovering and taking possession of countries north and north-west of Lake Superior. Neither England nor the Hudson's Bay Company tried to prevent the extension of the French over the territories of the north-west ; it does not even appear that the one or the other complained of that extension. The case had been very different when France struggled to maintain a footing on Hudson's Bay ; then every effort had been put forth to defeat their design.

The view which had generally been taken in England, since the time of Queen Elizabeth, with regard to the acquisition of new countries, was that something more than discovery was necessary to confer a title ; there required also to be possession or occupation. It follows that neither England, nor any company chartered by her authority, could claim any right to that north-west country in which the French discoveries have been traced. Nor were those discoveries the work of unauthorized individuals ; they were un-

* *Les Verennes de Verandrye*, par Pierre Margy.

dertaken and carried out with the full sanction and authority of the Government.

The Company's territorial claims have varied according to circumstances, and have often had for their basis little more than to secure all the territory it could obtain, without particular reference to its Charter or the Treaty between England and France. Sometimes the Company appears to have been not unwilling to bear the sacrifice of a loss of national territory, on Hudson's Bay, if the fortune of war and the power of Canada seemed to render this inevitable. In the year 1700, France made two alternative propositions to England, by one of which France was to keep Fort Bourbon and the English Chichichouanne, on the Albany River, whilst the country between the two Forts was to be equally divided between the two nations; and in case England consented to this arrangement, France would agree to confine its claims in Acadie to the River St. George. The second alternative was, that France should have Chichichouanne and England Fort Bourbon; in which case, England was not to push her claims in Acadie beyond the River Kenebeki. The Company seems not to have objected to an exchange of places. The Treaty of Ryswick did not allow England's right to the whole Bay of Hudson, and the rights of the Company could not in this respect be greater than that of the nation. We must therefore pass over, for purposes of this discussion, any proposal of boundaries made by the Company under these circumstances. It may be fairly taken for granted, that the proposal then made would not have been made if the Company had been in possession of the whole Bay; their undoubted right to which was still talked about, as if the fortunes of war and the stipulations of diplomacy had not given part of it to France.

After part of the shores of the Bay had been secured to France by the Treaty of Ryswick, the Company never regained the lost territory by any instrument having the form and force of its original charter. Was its charter strong enough to reinstate it in right of territory of which, in common with the English Crown, it had been divested by a treaty with France? Was it not rather

thenceforth reduced to the condition of a pampered squatter in those parts of her coast which France had previously held under the Treaty of Ryswick ?

The Company's Charter, although it may have been perfectly good as against the Crown by whom it was granted, could not interfere with the rights of another nation. The Company could not encroach on the French colony of Canada. During war, territory legally granted to the Company was liable to be invaded, and in point of fact, every post on Hudson's Bay, with one exception, did at one time fall into the power of the French. This is fully set forth in a petition to the King, September 21st, 1711, in which we read "that the only settlement now remaining to the Company, (of seven it formerly had,) is Albany Fort on the Chichichouanne, where they are surrounded by the French on every side, viz. : by their settlements on the rivers and lakes, from Canada to the northward, towards Hudson's Bay, as also from Fort Nelson (at York Fort) to the southward; the French likewise have made another settlement between Fort Nelson and Albany Fort, whereby the Indians are hindered from coming to trade with the English Factory, at the bottom of the Bay." The Company's unceasing iteration of claims, which it called its "undoubted rights," was to count among its possessions what was at the time lost to the Crown of England; and any proposal the Company might make under the circumstances, could only be considered in connection with the whole proposals for a general peace. If England got Newfoundland and Hudson's Bay and Acadie, she had to allow France to retain Cape Breton, and guaranteed her certain rights of fishery, on which a high value was placed. When the least prospect of peace appeared, or even in anticipation of it, the Company, February 8th, 1711, well knowing that if more were obtained in one part of the continent, less might have to be taken or more conceded elsewhere, resolved to use its influence, which was always considerable, to obtain an extensive belt of land to the south of Hudson's Bay. It proposed that the line should begin at Grimington Island, or Cape Perdrix, 58½ deg. on the Labrador coast, and that no French vessel should be

allowed to go north of that cape.* “That a line should be supposed to pass southward of the said Island of Grimington, or Cape Perdrix, to the great Lake Misco-sinke-ats-Mistoveny, dividing the same into two parts (as in the maps now delivered), and that the French, nor any others employed by them, shall come to the north or westward of the said line, or supposed line, by land or water, on or through any river, lakes or countries, to trade, or erect any forts or settlements whatsoever, and the English, on the contrary, not to pass the said line, either to the southward or eastward.” The Lake here meant is, I apprehend, Mistassine, the source of Rupert’s River. It lies, according to the Hudson’s Bay Company’s Map, 1857, between the 50th deg. and 51st deg. of latitude.

Even if this were the line marked on the map handed in by the British plenipotentiaries, during the negotiations for peace, there would still be the difference between it and that afterwards marked on the same map by the French; it being agreed that the intermediate space should limit the extent of the territory which could be brought into dispute by commissioners, by whom the boundary should be ultimately settled.

At no time, till after the Treaty of Utrecht was concluded, did the Company propose to deflect the line of boundary southward from Lake Mistassine to the 49th deg. Then, for the first time, August 4, 1714, it did so. It had no longer to deal with a foreign country, having possessions in the immediate neighbourhood of Hudson’s Bay; and what could not be obtained in an international negotiation might be extorted from the Queen’s Government. Nevertheless the proposed line was one which it was not in the power of England to grant. The French had long had undisturbed possession of Lake Nipegon, where they had traded with the Indians, for more than a quarter of a century, north of 49 deg.†

* By 20 Geo. III. cap. 60, lat. 59° 30' was made the legal limit between Gulf of St. Lawrence and the Greenland sea fisheries, each of which was under different regulations. But this line was evidently intended to be coincident with the southern extremity of Greenland, and had no reference to the land on the American coast.

† *M. de Denonville to M. de Seignelay*, Ville Marie, Aug. 25th, 1687.

It cannot be seriously alleged that the French had intended, in divesting themselves of Hudson's Bay, to give up Lake Nipegon. If the line claimed by the Company, east of Hudson's Bay, immediately prior to the negotiations for peace, ran between the 50th and 51st deg. of latitude, by what right did the Company afterwards, in extending the line of boundary westwards, claim to deflect southwards to the 49th deg. ? It was certainly not on the ground of discovery, for it knew nothing of the country on that parallel westward, much less could it be on the ground of possession. Nor did its Charter allow it to encroach on countries in possession of any other Christian Prince. And during the seventy-six years which had elapsed between the time when French fur traders first held commerce with the Indians on Lake Nipegon, and the transfer of Canada to England, never did the Hudson's Bay Company venture near or attempt to interfere with their trade there. It is true that, in 1744, some half a dozen Englishmen from the neighbouring British colonies, in all probability built an establishment about 20 leagues north of Michipicoton, whither they had been conducted by a Canadian refugee ; * but it will not be seriously contended that a small band of fillibusters could, by any act of theirs, transfer the national rights of one country to another, much less confer new powers or privileges on the Hudson's Bay Company.

In the map of North America drawn by Arrowsmith for the Hudson's Bay Company, and laid before the House of Commons Committee in 1857, the territories claimed by the Company, in virtue of the Charter granted to them by King Charles the Second, are shown by a green colouring. They here comprise the entire western water-shed of Hudson's Bay, including both branches of the Saskatchewan to the Rocky Mountains. On the north, they extend between the 75th deg. and 85th deg. west longitude, above the 70th deg. of north latitude, where the line descends almost due south on the east side of the Gulf of Bothia, of which, turning westward, it crosses the southern end ; then it takes a north-west direction till it reaches to a little below the point at which the 65th

* *M. de Beauharnois to Count de Maurepas.*

deg. of north latitude is intersected by the 105th deg. of west longitude; it then runs nearly due south and almost on the latter degree of longitude till it intersects the 60th deg. latitude; then, to strike the true dividing line of the Arctic and the eastern watersheds, it deflects southward a little so as to strike the centre of Woolaston or Manito Lake (which belongs to both water-sheds and drains both ways); then it takes a south-western course between the upper branches of the Athabaska on the north and those of the Churchill or English river and of the north Saskatchewan on the south. On the southern water-shed, it embraces all the rivers that empty into James' Bay. It makes the waters of the Lake Mistassine descend to near the 50th deg. north latitude; where they almost meet the head waters of the Upper Saguenay. It places the head waters of what is marked as the south branch of the Moose river considerably below the 49th deg. parallel, and those of the Abbitibe a little lower still. Of the triangle formed by the east shore of Hudson's Bay, Hudson's Strait and the Labrador coast, the straits of Bellisle and the St. Lawrence, it claims much more than it leaves to Canada. But it is noticeable that this line gives the Hudson's Bay Company no part of the Labrador coast, their claim to which above Grimington Island was, in 1857, no longer put forward. On the west it cuts off Ontario a little west of the 90th deg. of west longitude.

This claim is founded on the words of the charter by Charles II., which granted the sole trade and commerce of "all those seas, straits, bays, lakes, creeks, and sounds aforesaid, in whatever latitude they should be, that lie within the entrance of the straits commonly called Hudson's Straits, together with all the lands and territories upon the continents, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects or possessed by the subjects of any other Christian Prince." Leaving aside the extraordinary nature of this grant of unknown territory, a claim made under it in 1857, to the whole country of which the rivers run into Hudson's Bay, assumes that no part of that water-shed was in possession of France in 1670, an assumption of which

no proof is or can be offered; and it sets aside the agreement of the two nations, during the negotiations of the Peace of Utrecht, to be guided, in the settlement of this boundary, by a map then used.

The geography of many parts of the country on which the lines of these assumed limits are drawn is very imperfectly known; and the Hudson's Bay Company has made a poor use of its opportunities if it is not better informed on the subject than any one outside that corporation can possibly be. At the same time, there is no reason to suppose that it has any information that would enable it to make a map that should be correct in all particulars. The Company's map places the height of land almost close to Lake Temiscaming, while the French, who had a trading post on that height in 1725, describe it as being between the rivers Labrynthe and Tabitibis, sixty leagues from Lake Temiscamingue. The Monsipy is stated by Begon to have a course of eighty leagues.* In 1732, Joseph Laurent Normandin, ascending by the waters of the Saguenay, established the height of land between the three rivers and Saguenay water-sheds at 48 deg. 18 min. This height of land sloped east and west, and implied by this configuration that the vallies of the rivers extend considerably farther north. But if the whole northern water-shed once belonged to the Hudson's Bay Company, and has since become the property of the Dominion of Canada by purchase, Ontario would have to accept the line of the head waters wherever it might be.

If we examine the western boundary of Ontario in its geographical aspect, as laid down on the Hudson's Bay Company's map, we shall find, by the aid of other information, that Ontario extends considerably west of the point where a line drawn due north from the junction of the Ohio with the Mississippi would strike the north side of Lake Superior, according to Surveyor Sax's evidence, on the trial of Reinhard, about three-quarters of a degree east of Fort William. The geographical solution would take Ontario one and a half and probably two and a half degrees

* *Mémoire de Begon.*

farther west; I say probably, because even here something is wanting to the completeness of our geographical information.

The south end of the great carrying place, Mr. Thompson's observations placed in 47 deg. 58 min. 1 sec. north latitude, 89 deg. 44 min. 20 sec. longitude, west of Greenwich. The length of the Grand Portage is eight miles and twenty yards to where it strikes Pidgeon river. This point is about three hundred feet above Pidgeon river, and the distance thence to the height of land is thirty-eight miles (in which there are twelve carrying places), making the whole distance from the starting point on Lake Superior to the height of land forty-eight miles. The height of land is here in 48 deg. 6 min. 43 sec. north latitude, longitude 90 deg. 34 sec. 38 dec., variation (year 1796) 6 deg. east. In ordinary language, it is usual to speak as if the streams ran in one direction due north, and in the other due south. On the eastern slope of the continent this would be impossible, for the ultimate direction of the two water-sheds from this point is eastwards. In one of Thompson's maps, made to illustrate the international boundary line survey, he marked two points on the Pidgeon river chain of waters with the words "height of land." The first is on the point already given, and the second is nearly a degree farther west; but he himself states that above the first point so marked the streams run into Hudson's Bay. If the plateau were extended it might be difficult to say, without a special examination, where the true dividing line on the height of land is to be found. Mr. Hind states that, on the Kaministiquia and Dog Lake chain of waters between the Savanne river and Cold Water lake, "we have the height of land sending its waters both to the St. Lawrence and to Hudson's Bay." But Lake Seiganagh, between the two points marked by Mr. Thompson as "height of land," should, from its size, have a tolerably well-defined outlet, though from that map it does not appear to have. In the grant of territory by the Hudson's Bay Company to the Earl of Selkirk, in 1811, the principal branch of the waters which unite in Lake Sagenagas * is described as the

* The same as Seiganagh.

source of the Winnipeg, and this is probably the case. Wollaston Lake contributes to two different water-sheds, and there are other instances of *lacs des deux décharges*. Sir Alexander Mackenzie speaks of the Lake the Hauteur (s) de (s) Terre(s) on the Pidgeon river chain. He says the water from Lake Superior to that point leads along the high rocky land on the shore of Lake Superior, on the left, which is the American side of the international boundary, "the face of the country offering a wild scene of huge hills and rocks," separated by stony vallies, lakes and ponds." He adds, "where there is the least soil it is well covered with trees." Mr. Thompson thinks the country adapted for grazing, as it is well watered by brooks and small lakes. Mr. Gladman, of the Canadian Exploration Survey, 1857, speaks of this height of land as being "short and steep," and the streams as "exceedingly shallow."

The height of land, taking the lower point marked as such by Mr. Thompson, is farther north on the Pidgeon river than on the Kaministiquia and Dog Lake chain. It is stated by Mr. Napier, of the Canadian exploration survey party, 1857, to be 87.32 miles from Lake Superior. The maps differ as to the position of the height of land in the latter chain, but it cannot be far from latitude 49 deg., longitude 90 deg. The two chains of water which equally lead to Rainy Lake, form two sides of an irregular triangle, having for its eastern side the meridian of 88 deg. 50 min.

The altitude of the height of land is much greater on the northern than on the southern chain. If Mr. Napier be correct, the height of land on the Kaministiquia and Dog Lake route is 887.15 feet; which is nearly three times the altitude of that on the Pidgeon river route. If this be correct, the southern confluent of the former must be shorter than the latter. The precise position of the height of land in the centre of the space formed by this rude triangle can only be known by careful survey. The western point may extend about as far as 90 deg. 40 min., or 91 deg. west longitude, and cannot be far from 48 deg. 30 min. north latitude.

The quantity of land which Ontario can claim on this view of the case, and this I conceive is the least quantity that can possibly be brought into dispute over and above what she would get if

her western frontier were a line due north of the point of junction between the Ohio and the Mississippi, I estimate at three millions nine hundred thousand acres. The great economic value of much of this territory is shewn in the report of Mr. Robert Bell, of the Geological Survey of Canada, for 1870. Sir William Logan has questioned the correctness of that report in some particulars, and in others he has placed Mr. Bell in opposition to himself; but the matters about which the uncertainty existed were the size and height of Lake Nipigon and the age of some rocks; questions which interest the geographer and geologist, but which do not otherwise affect the value of the information. The recent reports of Mr. Dawson more than corroborate the statements of Mr. Bell in this respect as to the value of the territory.

As the western boundary of Ontario has a certain dependence on the northern, it was necessary to treat of the latter first.

The Quebec Act of 1774 gives the following as the boundaries of the Province of Quebec at that time: "Our Province of Quebec, in North America, comprehending all the territories, islands and countries in North America, bounded by a line drawn from the Bay of Chaleurs along the high lands which divide the rivers that empty into the St Lawrence from those which fall into the sea to a point in forty-five degrees of northern latitude on the eastern bank to the River Connecticut, keeping the same latitude directly west through the Lake Champlain, until in the same latitude it meets with the River St Lawrence; from thence up the eastern bank of the said river to Lake Ontario, thence through the Lake Ontario and the river commonly called Niagara; and thence along by the eastern and south-eastern bank of Lake Erie, following the said bank until the same shall be intersected by the northern boundary granted by the charter of the Province of Pennsylvania, in case the same shall be so intersected, and from thence along the said northern and western boundaries of the said Province until the said western boundary strikes the Ohio; but in case the said bank of the said Lake shall not be found to be so intersected, then following the said bank until it shall arrive at the point of the said bank which shall be nearest the north-western angle of the Pro-

vince of Pennsylvania, and thence by a right line to the said north-western angle of the said Province; thence along the western boundary of the said Province until it strikes the Ohio, and along the said bank of the said river westward to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the merchants adventurers trading to Hudson's Bay."

The whole of the description as far as the word "Mississippi," relates to the southern boundary; the words "bounded on the south" applying to the whole of that long line. The remainder of the description, in which the western and northern boundaries are to be found, is comprised in the words "and northward to the southern boundary of the territory granted to the merchants adventurers of England trading to Hudson's Bay;" that is the line which runs from the point where the Ohio falls into the Mississippi, "northward" to the Hudson's Bay Company's territory. If "by" had been substituted for "to," the reading would have been, "and bounded northward *by* the southern boundary of the territory granted to the merchants adventurers of England trading to Hudson's Bay." In this case there could have been no difficulty. But it would not be grammatically correct or intelligible to say that Quebec was bounded "northward" to the southern boundary of the Hudson's Bay territory." There are many descriptions of territory in which the word "northward" and "westward," or "southward," or "eastward," or "north," "east," "west," "south," are used in a general sense to indicate land on one side of a given line, but there is no difficulty in understanding what they mean. A few examples will suffice for illustration. The territory embraced in one of Sir William Johnson's purchases from the Indians is first described by a definite line, and then the words are added, "and extending eastward from every part of the said *line* as far as the lands formerly purchased, so as to comprehend the whole of the land between the said line and the purchased lands or settlements except what is in the Province of Pennsylvania."

One article of the Treaty of Utrecht contains a description of

this kind. "The subjects of the Most Christian Majesty shall be hereafter excluded from all kinds of fishing in the said seas, bays and other places on the coast of Nova Scotia, that is to say, within thirty leagues beginning from the island commonly called Sable inclusively, and thence stretching towards the "south-west." Supply the ellipsis by adding after "leagues" the words "of the said coast," and all is clear. The English Commissioners in the Acadie boundary case say, "all the country to the *westward of the river St. Croix* had, in the year 1620, been granted by King James to certain of his subjects by the name of the Council of Plymouth." Also, "the French Commissioners seem to admit that if the commission of the Sieur Charnesy describing the bounds of Acadia to extend from the river of St. Lawrence northward to the Virginias or New England westward, had been a commission of Acadia, the use made of it by us in the last memorial would have been conclusive." The Hudson's Bay Company in one of its communications uses the words, "beyond Rupert's River, south-east toward Canada." This is intended to mean beyond the source of Rupert's River, though the fact could not be discovered without reference to the map.

All these descriptions are different from that in the Quebec Act, and present less difficulty. We shall hereafter see a use of the word "northerly," in the commission of Lord Dorchester, to indicate a line which has its starting point from a base, running due west from a designated point. It remains to find where the line between the junction of the Ohio with the Mississippi should be drawn. The English Commissioners on the Acadie boundary question said of a similar difficulty: "Clear and precise as the French Commissioners think the words of the Treaty, a difference of construction has been raised upon them, and different limits are assigned by the two Crowns as the ancient limits. In this the Treaty of Utrecht becomes doubtful; and how is the doubt to be settled? By the words of the Treaty itself? The doubt is originally raised upon them; but suppose other Treaties can be found in which this country has been before transferred, or any authentic proceedings by which the limits of Acadia or Nova Scotia have been clearly

ascertained upon enquiry and discussion or any declarations made by the two Crowns during the negotiations of the Treaty itself, by which the intentions of the two Crowns at the time can be fully demonstrated, are not such the only sufficient and proper transactions to which we can refer or appeal for deciding what extent is to be given to those words in the Treaty of Utrecht which transfer to Great Britain Acadia or Nova Scotia with its ancient limits? Are not these the very evidences which the French Commissioners affect to set aside in their memorial as being "*etrangeres à l'état de la question!*"

They also said: "We shall found many very essential arguments on the proceedings contemporary with the Treaties; we shall give a summary of the steps of the negotiations preceding each Treaty, and of such measures as were taken in the execution of it as may contribute to explain the intention and to ascertain the effect of it, at the same time that we mention the Treaty itself."

The rule laid down in these extracts may here be followed with advantage.

The first clause of the Quebec Act has a history which it may be well not to overlook. In the original draft which came up for consideration in the House of Commons, on the 6th June, 1777, it read as follows:—

"And whereas, by the arrangements made by the said royal proclamation, a very large part of the territory of Canada, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said Treaty, was left without any provision being made for the administration of civil government therein, and other parts of the said country where sedentary fisheries have been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under grants and concessions from the Government thereof, were annexed to the Government of Newfoundland, &c., be it enacted, that all the said territories, islands and countries heretofore part of the territory of Canada, in North America, extending southward to the banks of the River Ohio, westward to the banks of the Mississippi, and

northward to the southern boundary of the territory granted to the merchant adventurers of England trading to Hudson's Bay, and which said territories, islands and countries are not within the limits of some other British colony, as allowed and confirmed by the Crown, or which have, since the 10th of February, 1763, been made part of the Government of Newfoundland, be, and they are hereby, during his Majesty's pleasure, annexed to, and made part and parcel of the Province of Quebec, as created and established by the said royal proclamation of the 7th October, 1763."

Here the Mississippi river, north of the Ohio, is distinctly made the western boundary of the Province of Quebec, and the words "northward to the southern boundary of the territory granted to the merchant adventurers of England trading to Hudson's Bay," stood precisely as they do in the Act as it finally passed. This shows an intention, from the first, on the part of the framers of the Act, to make the Mississippi river the western boundary of the Province, as far as its source; northward, from that point, it was to be drawn till it reached the southern frontier of Hudson's Bay territory; northward, not due north, for it might have to go north by east before it could strike that frontier. There is nothing to show that the alteration from the original draft to the clause as finally settled had for its object to affect the proposed western boundary. On the contrary, there was no difficulty on that side; the whole country to the Mississippi river was indisputably under the dominion of the British Crown, and there was no intervening British colony to be affected by that demarcation. The only difficulty was that, by the wording of the clause as originally drawn, the limits of the Province of New York, or of Pennsylvania, might be affected. In considering that draft, Lord North saw "great difficulties as to the best mode of proceeding;" and he explained that it was intended, "immediately after the passing of this Act, to go on with the project of running the boundary line between Quebec and New York and Pennsylvania, &c., belonging to the Crown." But as something more was desired by many members, he proposed, the report says, to leave out the words "heretofore part of the territory of Canada," and insert "extent of

country," and also to leave out "said country," and insert "territory of Canada." This is quite unintelligible, and the report is certainly erroneous; for the words "said country" do not occur in the draft, and "extent of country," if substituted for the words "heretofore part of the territory of Canada," would produce confusion. But this is of no importance, because the amendment suggested was not finally adopted. The original draft left the boundaries between the Province of Quebec and that of New York undefined. This was precisely what Edmund Burke, the stipendiary agent of the Province of New York, was not willing to assent to; and the Penn interest had taken the alarm lest there should be encroachments on Pennsylvania. On the 10th June the chairman of the Commons' Committee reported ^{it} of bill. "The first clause being read, there was much puzzling about settling the boundary line. Mr. Edmund Burke, Mr. Jackson, Mr. Baker, and Sir Charles Whitworth went up stairs, in order to settle it, while the House was supposed to be proceeding upon it.* Mr. Burke then returned with the amendments; but only some of them were agreed to; and from that partial agreement resulted the description of boundaries as it stands. The whole object of the alteration was to protect the Provinces of New York and Pennsylvania from encroachment, or to obtain favourable boundaries for them. There was and could be, in these objects, no design to alter the western boundary, as it stood in the original draft; and the Mississippi being once reached, there is no alteration in the wording of the remainder of the description. As first proposed, and as finally adopted, the line was to run "northward" to the territory of the Hudson's Bay Company. The substitution of the part of the more particular description immediately preceding the word "northward," for the general description in the original draft, had for its object the protection of Pennsylvania from possible encroachment, against which the heirs of Penn had protested. That description necessarily drew a line partly contingent and partly certain, as far west as the junction of the Ohio with the

* Cavendish's Debates.

Mississippi ; but it could not have been intended to alter the position of the western boundary of the Province of Quebec, which, in the original draft, was indisputably the Mississippi river.

The Commission of Guy Carleton, as Governor of Canada, under the Quebec Act, supplies a missing link : it follows the description of the Quebec Act, word for word, as far as the word "northward," where the difficulty commences, and it removes that difficulty by adding "along the eastern bank of the said river to the southern boundary granted to the merchants adventurers of England trading to Hudson's Bay." The only addition here made to the description given in the Quebec Act, is to be found in the words directing where the western line of boundary is to run in its northward course. The vagueness of the expression in that Act must have become apparent on an examination, and the intention of its authors may fairly be inferred from the words supplied in the commission. The same persons who were responsible for the Act must have drafted or examined the commission, which, by its helpful additions, becomes explanatory.

The geographical error which assumes the source of the Mississippi to be coincident with the dividing line between Canada and the British territory on the north—here assumed to be the territory of the Hudson's Bay Company—was an error of the times. It was then supposed, and was assumed in the Treaty of 1783, nine years afterwards, between England and the new-born Republic of the United States, that the sources of the Mississippi extended above the north-west corner of the Lake of the Woods. That Treaty traced the line of international boundary from the north-west angle of Nova Scotia "to the most north-western point" of the Lake of the Woods, where it was to run "on a due west course to the river Mississippi." It was not discovered for several years after that such a line would leave the source of the Mississippi considerably to the south. The intention of the Quebec Act clearly was to make the northern boundary of Canada abut on the southern boundary of the Hudson Bay Company's territory ; and to do this the western line would have to pass north of Turtle Lake, the source of the Mississippi, which Mr. Thompson, by whose sur-

vey in the latter part of the last century the error of the Treaty of 1783 was discovered, places in lat $47^{\circ} 39' 15''$ and longitude $95^{\circ} 12' 45''$. The natural way of producing the northward line above the source of the Mississippi would be either to follow the meridian of that source or to continue in the same general direction in which it had followed the east bank of the Mississippi, from the point of the discharge of the Ohio. Though the international boundary line at this point was settled on the parallel of 49° north latitude, it might have been a question whether the line should not be produced to the latitude of the most north-western point of the Lake of the Woods, which the Ashburton Treaty places in lat. $49^{\circ} 23' 55''$, long. $95^{\circ} 14' 38''$. For the purpose of this argument, we must assume with the Quebec Act and the Commission of Guy Carleton, that where Canada ends on the north the Hudson's Bay Territory commenced. We have in this case to do with the officially assumed, not the historical or geographical fact; for it is beyond question that it was within the competence of Parliament and the Crown to restrict the northern boundary of Canada to any convenient limits. If the Quebec Act alone governed the western boundary of Canada, it would not follow that, west of the easternmost point at which the international boundary between the United States and British territory strikes the parallel of 49° N. latitude, the boundary of Ontario does not extend, for it might depend upon other considerations than those which determined the international boundary. Eastward of this point, we have to fall back on the line of the Treaty of Utrecht, for by that treaty the southern boundary of the Hudson's Bay Territory must be determined.

At this time the Imperial Government was very careful not to perform any act under the great seal of which the legality could be brought in question. When there was room for doubt, or objection was likely to be raised, the act was done under the King's signet and sign-manual. "By these means," says Mr. Maseres, "they (the acts done) have avoided the objections to them which might have arisen from those two great lawyers, the Lord Chancellor and the King's Attorney General, by whom all letters

patent under the great seal are inspected and examined before they pass, but who have nothing to do with instructions under the signet and sign-manual." "Accordingly," he adds, "we see the case of our own Province of Quebec, that so long as the delegating the powers of legislation to the Governor and Council only, without an assembly of the people, was a matter of doubtful and delicate nature, not clearly and manifestly within the compass of the King's legal prerogative (which was the case until the late Quebec Act), His Majesty's Ministers of State thought fit to advise His Majesty to delegate these powers to successive Governors of this Province, General Carleton and General Murray, only by an instruction under his signet and sign-manual, which accompanied the respective commissions in the years 1763 and 1768, but not to mention them in the commissions themselves under the great seal, which contained only the common clause for delegating the powers of legislation to the Governor, Council and Assembly."

The commission of Guy Carleton under the great seal, extending the authority of this Government as far west as the Mississippi, will not be deemed of doubtful authority, especially as the boundaries described in it are, except a few words of necessary explanation, found in the Quebec Act, the passing of which made a new commission necessary.

But does the western boundary of Canada depend altogether on the Quebec Act as illustrated by the commission of Guy Carleton? Was not a new description of the boundaries of Canada given in 1791? This has been denied, but upon an insufficient examination of facts,* and it is certain that a new description of the western boundary of Canada was rendered necessary by the treaty of 1783, by which a large part of the Province was ceded to the United States; and such description, as we shall afterwards see, was made, under the great seal, in 1786. The Constitution Act of 1791 (31st Geo. III., cap. 31) states that "His Majesty has been pleased to signify by his message to both Houses of Parliament his royal intention to divide his Province of Quebec into two separate Provinces, to be called the Province of Upper and the Province

* *Canadian Freeholder.*

of Lower Canada," and proceeds to make provisions under which the change intended is to be carried out. The Act in this recital recognizes the right of His Majesty to form and declare such an intention; and Parliament does its part in providing the machinery necessary to effect the division. No designation of limits is made in the Act: that was afterwards done by order-in-council. The order-in-council was passed in August 1791, some time after the prorogation of Parliament, which took place on the 10th June. Between the time when the King sent the message to Parliament and the passing of the order-in-council and the issue of the proclamation founded thereon, the Act of Parliament was interjected and formed the authority for the division of the Province of Quebec into two Provinces. The proclamation contains a description of boundaries in terms different from those used in the Quebec Act:

"Whereas we have thought fit, by and with the advice of our Privy Council, by our order-in-council dated in the month of August last, to order that our Province of Quebec should be divided into two distinct Provinces, to be called Upper and Lower Canada, by separating the said two Provinces according to the following line of division, viz., 'To commence at a stone boundary on the north bank of the Lake St. Francis, at the cove of Pointe au Bodet, in the limit between the township of Lancaster and the seigneurie of New Longueuil, running along the said limit in the direction of north thirty-four degrees west to the westernmost angle of the said seigneurie of the New Longueuil, thence along the north-western boundary of the seigneurie of Vaudreuil, running north twenty-five degrees east until it strikes the Outawas River, to ascend the said river into the Lake Tamiscaming, and from the head of the said lake by a line drawn due north until it strikes the boundary line of Hudson's Bay, including all the territory to the westward and southward of the said line to the utmost extent of country commonly called or known by the name of Canada.'"

The same description is repeated in the proclamation (here also within quotation marks) of Alured Clarke, Lieutenant-Governor and Commander in Chief of the Province of Quebec, dated No-

vember 18, 1791, fixing the date at which the Imperial Act 31 Geo. III., should go into operation.

It will hardly be denied that there was sufficient authority in the Act of 1791 for the order-in-council and proclamation, leaving out of sight the fact that the designation of the boundaries of Provinces was generally treated as a matter of prerogative. Does the order-in-council, which is made known to us by the proclamation of November 18, 1791, in effect make a new designation of boundaries? It certainly makes use of different language from that employed in the Quebec Act. But it makes the northern boundary of Upper Canada, now Ontario, abut upon the southern frontier of Hudson's Bay. If the expression "boundary line of Hudson's Bay" be intended to mean the same thing as "the southern boundary of the territory granted to the merchant adventurers trading to Hudson's Bay," there is in fact no difference as to the northern boundary of Upper Canada. If the same territorial division is intended by both forms of expression, it is not difficult to conceive a reason for the change. The Quebec Act, in assuming that the Hudson's Bay possessed territorial rights as far west as the source of the Mississippi assumed what was not true in point of fact. Before the year 1763, England held actual possession of very little territory on the North of Canada. The whole country west of the chain of waters from Fort William to Lake Winnipeg and westward to the Rocky Mountains was in actual occupation of the French. If England did not obtain this country by the Treaty of 1763, she obtained it in consequence of the evacuation by the French after that date. The French, driven from the whole country in the north-west as far as the source of the Mississippi, could not maintain a footing in the Valley of the Saskatchewan. Some misgivings on this point were expressed in England when the preliminaries of peace were agreed upon.

"Would it not be necessary, or at least prudent," it was asked, "to ascertain the boundaries of the territory ceded under the general and indefinite name of Canada and its dependencies? Was it not possible for France, some time or other, perhaps as soon as the fleets and armies of England were reduced or disbanded, to dis-

tinguish between Canada, properly so called, according to the first or ancient limits and the vast extent of country which the French Canadians were daily adding to their government towards the north, and make that distinction the foundation of the claim upon which to justify their breach of a future peace by invading and raising new settlements and fortresses to cut off the Indian trade with Quebec, and to snatch and seize upon all they have ceded in pretence of some defect in the Treaty? * * *

The stipulations they insisted on and obtained on the banks of the Mississippi and the Lakes with a free navigation, suggest some such like intention, against which nothing can so effectually protect posterity as a geographical delineation of boundaries and abutments of these countries and places, which the French were actually in possession of, pretended a right unto, had any interest in, by or under the Government of Canada at the commencement of the present, or at any time during its continuation, together with all the islands, bays, rivers, lakes and shores within the description of the said limits.”* A pamphlet, evidently semi-official, published about the same time, under the title of “*An Enquiry into the Merits of the Supposed Preliminaries of Peace*,” was intended to silence objections such as these. The argument was that natural frontiers had been obtained on the banks of the Mississippi which it would never be possible to dispute. “We have gained,” says the writer, “as conquerors, the country on both sides the disputed frontier, *to the north*, and have removed our frontier to the south, beyond even our pretensions, by the addition of a great part of Louisiana.”

There cannot be a question that England obtained possession of all the country from above Lake Nipigon north-west to the source of the Saskatchewan, either by or as a result of the Treaty of 1763. If the treaty did not cover it, as part of Canada, or under the name of a dependency of Canada, it was afterwards taken possession of as a country abandoned by its previous owners. Was that north-west country known as part of Canada in 1791, and

‡ *Trial of Charles de Reinhard*, at Quebec, 1818.

* *Monitor or British Freeholder*, January 15, 1763.

was it generally or commonly so known? If so, at the time when the Order in Council of August, 1791, was made, the northern boundary of Upper Canada would deflect northward from a point east of the Kaministiquia, Dog Lake, Rainy Lake, and the Lake of the Woods route to Lake Winnipeg; and all west and south of that line would properly form part of Canada.

England claimed no more on the north-west coast of America than she had been the first European nation to occupy, by the creation of trading or fishing establishments, with the consent of the natives. In the discussion which preceded the convention of the Escorial, the British Government contended that English subjects had an indisputable right to the enjoyment of a free and uninterrupted navigation, commerce and fishery, and the possession of such establishments as they should form with the consent of the natives of the country, not previously occupied by any European nation. France exercised the same right in the north-west previous to the Conquest, without opposition or protest on the part of England or the Hudson's Bay Company. Thus she was the first European nation to occupy those interior regions, in the only way they could then be occupied: by the creation of trading posts; and with such consent on the part of the natives as enabled her to maintain a footing there. Had the natives been collectively hostile to this extension of French establishments, their vast numbers would easily have enabled them to massacre the small bands of Frenchmen whom it was possible to send so great a distance, and who sufficed for the trade of the region. Such of the French laws as were applicable to these wild countries were in force there; and notably those which regulated the fur trade.

The discoverers were not unauthorized adventurers: their whole proceedings were regulated in accordance with the settled policy of the Government. As early as the year 1716, M. Vaudreuil and Begon wrote to the French Government that the discovery of the Western Ocean would be advantageous to the colony; and the Council of Marine approved of the plan of establishing three posts which had been proposed, with the condition

that the enterprize should cost nothing to the king : the farmers of the posts to indemnify themselves by the profits of the fur trade. The first post was to be on the Kaministiquia ; the second was to be Takamani88u, toward the Christinaux ; and the third, when the necessary knowledge should have been obtained from the Indians, at the Lac des Assenipoeller (Lake Winnipeg). After this was done, the crown was willing to share or bear the expense of continuing the discoveries, an estimate of which M. Vaudreuil was asked to furnish. On the 7th July, 1717, Lieut. de la Noûe set out on this enterprize with no less than eight cannon.* Acting under this delegation of legal authority, the discoverers by whom the commerce of France was extended to the foot of the Rocky Mountains, added to the province this vast dependency in the north-west. The commissions of the French governors, which extended over the country north of the sources of the St. Lawrence, so far as the land extended, came to have a new meaning and to represent legitimate authority, as discovery and trading settlements were advanced.

In 1774, the territory of the Hudson's Bay Company, which was to form the northern boundary of Canada, must, on these principles, have been restricted to the region west of Hudson's Bay, of which it was in actual occupation. The "having touched here and there upon a coast," said Queen Elizabeth to the Spanish Ambassador, "and given names to a few rivers and capes, were such insignificant things as could in no wise entitle them [the Spaniards] to a property farther than the parts where they actually settled and continued to occupy ;" a principle which has been acted on, says Falconer, "by nearly every European nation,"†

* *Archives de Paris.*

† At the same time, no nation has been perfectly consistent in adhering to this view ; and most nations have occasionally shifted their ground according to circumstances. Louis XIV., in his grant of Louisiana to Crozat, included "the River St. Louis, formerly called the Mississippi, from the sea-shore to the Illinois ; together with the River St. Philip, formerly called the Missouri river, and the St. Jerome, formerly the Wabash, with all the countries, territories, lakes inland, and the rivers emptying directly or indirectly into that part of the River St. Louis," at a time, 1712, when the French Government had no correct information of the extent of country traversed by the Missouri. When, in 1824, Rush, the American Minister to London, cited the

and which will apply equally well to the Hudson's Bay Company.

In the year the Quebec Act was passed, the Company took up a position on the east bank of Sturgeon Lake, latitude 53 deg. 56 min., and longitude 102 deg. 15 min.; where, says Sir Alexander Mackenzie, they "became more jealous of their fellow-subjects, and perhaps with more cause, than they had been of those of France."* This was the most distant point to which the Company had extended south-westward; and as the advance into the interior must have been by the Nelson and Hayes Rivers, it follows that it had not extended as far south as Lake Winnipagoes.

When France ceded Canada, and ceded or vacated its vast dependencies in the north-west—if dependency and not part of Canada proper that must be considered—the north-west territory

Georgia Charter of 1732, which purported to pass all territories along the sea coast, "from the Savannah to the most southern stream of another great river called the Altamaha, and, westwards from the heads of said rivers, in a direct line to the South Sea," to prove that the discovery by Gray of the mouth of the Columbia river ought to give the United States the whole of the water-courses connected with that river, the British Plenipotentiaries replied that "Great Britain considered the whole of the unoccupied parts of America as being open to her future settlements, in like manner as before. They included within these parts as well that portion of the north-west coast lying between the 42nd and the 51st degrees of latitude, as any other parts." (Rush: *Memoranda of a Residence at the Court of London.*) This was to revert to the principle that occupation and settlement were necessary to confer a title.

* This is a greater achievement than several English writers credit the Company with. In 1795 Winterbotham gives the position of five of its posts on Hudson's Bay, and distinctly states that this was all they possessed. But Sir Alexander Mackenzie must here be taken as a better authority, since his interest being identified with a rival organization, would prevent him giving the Hudson's Bay Company credit for what it had not done. Besides, his personal opportunities of obtaining information were of the best. In 1798 the Company had established Buckingham House, on the Saskatchewan, longitude 106 deg. 27 min. 20 sec. (*American Gazetteer*). In 1773 Canadian Fur Traders began to divert a large portion of the trade of the Company to Montreal; and as late as 1816 we have the authority of the Earl of Selkirk for saying that the number of its employés was less than one-third as many as those of the North-West Company. But if the Hudson's Bay Company had found its way westward to the points mentioned, in the last ten years of the last century, it had previously crouched helplessly on the shores of Hudson's Bay. Captain Middleton, who made an official visit to that region, states what would be incredible on any less authority: that in 1722-3 the Company had not ten men in its service who knew the use of a canoe, or who could ascend a river by the only means then available.

could not, in virtue of that fact, become part of the Hudson's Bay Company's possessions. The Company received no new charter;* and it had not in 1791 proceeded to occupy those territories vacated by France. It is true that, in 1790, the Company established the position of the west shore of Athabaska Lake; but this was not done in the way of discovery, and it was not followed by occupation. Mr. Joseph Frobisher, a free trader, had previously penetrated as far as latitude 55 deg. 26 min., longitude 108 deg.; and he had been followed by others, in whose service was one Peter Pond, whose random estimates placed the west end of Athabaska Lake within a hundred miles of the Pacific Ocean, as laid down by Captain Cook. If this were true, the geographical discovery would be of very great importance; and the British Government directed the Hudson's Bay Company to ascertain the fact. After five years' delay, it performed this task in 1790.† That was all it had done in the north-west; and it could claim neither the merit of discovery nor the fact of occupation. And even if it could, Athabaska belongs to the Arctic water-shed, and its discovery could convey no title to the valley of the Saskatchewan. The Company's claim, as defined on the map of 1857, evidently proceeds on the admission that the possession of one watershed confers no right to the other; for while the Company assumes to appropriate all the territory on the eastern watershed of Hudson's Bay, it leaves out of its assumed limits the southern and the Arctic water-sheds.

Eight years before the Order in Council of 1791 was passed, the North-west Company had been formed to carry on the fur trade in the valley of the Saskatchewan and the whole North-west. It was not till two years after the Order in Council that the Hudson's Bay Company sent its agents there, and from that time the

* "The charter gives the Company an exclusive trade of all the country which lies round Hudson's Bay; but I apprehend that since 6 Anne, c. 37 (f. 15), no charter can be granted to exclude or restrain any subject from a full and free trade to America."—Anthony Stokes: *View of the Constitutions of the British Colonies in North America*, 1783. The best English lawyers took the same view.

† Thompson, MS., and Mackenzie, *General History of the Fur Trade*.

North-west Company carried on an unequal competition,* owing to the same cause that had rendered the overland trade of Hudson's Bay so difficult to the French settlers in Canada, till the two companies finally amalgamated, in 1821.

It was not till this latter date that the Hudson's Bay Company came to hold the exclusive control of the fur trade over the North-west. In presence of these facts, how can we regard the Hudson's Bay territory, so far as its extent depended on occupation, as extending south-west of Sturgeon Lake, latitude 53 deg. 56 min., and longitude 102 deg. 15 min., in 1774 and 1791, even supposing it had a right to take up territory held by the French previous to the cession of Canada? And without occupation, it could have no rights. If we assume a right derived from its Charter to occupy the whole country from Hudson's Bay to the eastern side of the Rocky Mountains, this assumption raises the enquiry whether that right was not necessarily subject to a condition similar to that insisted on by England when the Convention of the Escorial was negotiated? If the right of England depended, against other nations, upon actual possession, could the Crown convey to a company larger powers than it possessed? This very Charter prohibits, in express terms, the Company from entering on lands "possessed by the subjects of any other Christian Prince or State." The case of the north-west territories is this: their lands were not possessed by any other Christian Prince, in 1670, when this Charter was granted. But, the first sovereign into whose possession they fell was His Most Christian Majesty the King of France. England did not complain, and could not complain, because there was no act of dispossession; no encroachment on anything previously possessed by her. The company might have taken possession of these territories if it had preceded any other Christian Prince. But when it failed to do so, it lost the opportunity and the right; and even the Crown which granted its Charter, must, on its own principles, acknowledge the right to go along with the actual possession of France. It may even be

* Mackenzie.

said that the Crown had grave cause of complaint against the Company, for throwing away the opportunity of extending its dominion by neglecting to take possession of this country. Could the Company, after such a practical abandonment of its contingent rights—contingent on a prior exercise of the act of possession—for more than a century, during which a foreign power had slipped in and held possession till dislodged by the chances of war; could it resume, at pleasure, and at this distance of time, rights the abandonment of which might have proved highly detrimental to the nation? Was it to be considered as being as completely reinstated in its rights as if there had been no abandonment or suspension of them; and was that arbitrary resumption to have the effect of giving the Company a monopoly of the trade of the country in question against all other British subjects?

These questions must be answered in the affirmative before we can assume that the southern and the western boundary of the Hudson's Bay Company's territory extended beyond their actual possessions of the country, in 1774 and 1791.

If the Order in Council of August, 1791, does not change the northern boundary of Upper Canada, but leaves it as fixed by the Quebec Act, does it make any change in the western boundary? It includes in Upper Canada, "all the territory to the westward and southward of the said [northern] line the utmost extent of country commonly called or known by the name of Canada." This language appeals to the common or popular knowledge on the subject; and we should be quite justified in seeking to ascertain what that was.

The limits of Canada had been constantly expanding under the French. In 1679, Hennepin describes Frontenac (Kingston) as being so far west of Canada as to have a much milder climate.*

Del'Isle, of the French Academy, whose celebrity as a geographer has seldom been equalled, placed the western boundary of Canada,

* *Decouverte d'un pays plus grand que l'Europe, situé dans l'Amerique entre le Nouveau Mexique et la Mer Glaciale.*

in 1718, at the head waters of the rivers that empty into Lake Michigan.*

As we approach the period of the conquest, the bounds of Canada are immensely expanded. Discoveries in the distant north-west come to be described as "in the west of Canada." There is a map in the Marine Department at Paris, where it was sent by Gallissonière, Governor of Canada, dated 1750, and entitled : *Carte de la decouverte dans l'ouest du Canada dressée sur les mémoires de M. de la Verandrye*,† on which most of the posts already enumerated in the north-west are shown. This shows that the Governor of Canada, in 1750, considered the whole valley of the Saskatchewan as part of Canada. Mr. Thomas Falconer, in his work on *The Discovery of the Mississippi*, says : "The official map used by France in its negotiations with Great Britain, (for the cession of Canada, in 1763,) incontestably proves that the country north and north-west of the Mississippi was ceded as the Province of Canada." That map, if it can be found, or an attested copy of it procured, would have a very important bearing on this question. Mr. Falconer made researches in the Archives of Paris before he published his work, which was issued in 1844, and found there many documents bearing on the Oregon question, which had never been published ; it is natural to conclude that he there met with the map here alluded to. We do not know what proof there is that this map was to be looked on as explanatory of the Treaty. We may assume that it was not attached to the Treaty, nor required to be read in connection with it, nor signed by the plenipotentiaries ; but if it was used by the French, its importance lies in the fact that they could not be interested in magnifying the

* It is necessary to guard against spurious maps published under his name, some of them more than half a century after his death. Among this class must be ranked that of *l'Itinéraire des Français dans la Louisiane*, published at Paris in 1802. It purports to have undergone review, correction and augmentation, in 1782 ; fifty-six years after its author had died. The description of Louisiane in the book refers to a period seventy years anterior to the date of the "corrections" on the map ; and the one is a direct contradiction of the other. But even this map may be appealed to as showing the opinion of French map-makers that, in 1730, Canada extended to the Mississippi.

† I have had engraved a tracing of it, in the Parliamentary Library at Ottawa.

extent of the possessions they were ceding; and it is therefore not suspicious evidence, as it might have been if France had been receiving instead of making cession of a territory.

The wording of the Treaty is large enough to cover the territories shewn on this map, since it embraces not only Canada "with all its dependencies," but also "everything that depends on the said countries [Canada, Cape Breton and all the other islands in the Gulf and River of St. Lawrence], lands, islands and coasts, with the sovereignty, property, possession, and all the rights acquired by treaty or otherwise, which the Most Christian King and the Crown of France have had till now over the said countries." Probably the question of the extent of country ceded in 1763 would be greatly affected by the map mentioned by Mr. Falconer; for if we go to ordinary works which contain geographical descriptions, they will be found to contradict one another, and the best of them are necessarily of subordinate authority; many can be demonstrated to be wrong. In the latter category must be placed all the works or maps that pretend to extend New France to the Pacific, and the older they are the farther from the Pacific will the western frontier of Canada be found to have extended, at the time they were published. Even when published under the authority of the Government, they are of no value if contradicted by indisputable facts in the historical progress of discovery. M. Duflot de Mofras, in a work on California, appeals to a map attached to the memoirs of the Commissioners of England and France, extending Canada to the Pacific; though I believe that no proof can be adduced that a single Frenchman had at that time crossed the Rocky Mountains. For the same purpose, he quotes Lescarbot, an author who wrote at a time (of the three editions of his *Nouvelle France*, the last then published was published in 1618) when Lake Superior was known to the French, if at all, only through the Indians.

It has sometimes been contended that places of considerable importance would pass as dependencies of a territory ceded in the neighbourhood of which they were situated, if not specially reserved. Acadie or Nova Scotia, with its appurtenances and depen-

dencies, was ceded to England by the Treaty of Utrecht, "with its ancient limits." The English Commissioners afterwards contended that the islands in the mouth of the River and the Gulf of the St. Lawrence, as well as the Island of Cape Breton naturally formed a dependency of Nova Scotia; and this at a time when Cape Breton, forming the key of the St. Lawrence, was looked on as of far more importance than the whole north-west territories. "Another argument," they said, in the *Sieur Durand's* memorial, "for excluding that part of the continent which lies between the isthmus and the river of Canada, from being a part of Acadia, is drawn from the reservations of the islands situated in the mouth of the River and of the Gulf of St. Lawrence, to France, in the 13th article of the Treaty of Utrecht, whereby the Island of Cape Breton is also reserved: but this, upon examination, will be found to conclude against France's pretensions, for no other reason for France's reserving them and Cape Breton in that treaty than that they were part of or dependent upon Acadia or Nova Scotia, and would otherwise have passed to Great Britain by the cession of it in the 12th article. If they were not dependent upon Acadia, there was no danger of Great Britain's acquiring a right to them by the cession of Acadia, and consequently not the least occasion for reserving them to France by that treaty." If all those islands would have passed as a dependency of Nova Scotia, if not specially reserved, can there be a doubt that all the country occupied by the French in connection with Canada would pass to England either as a part of Canada or as a dependency thereof?

In the earlier negotiations which preceded the peace of 1763, a line of boundary was agreed upon between the Governments of England and France, on the west.* This line was alleged on the one side to have been drawn on a map by the Marquis de Vaudreuil when he surrendered Canada by capitulation to General

* It is difficult, if not impossible, to obtain in Canada a complete account of everything connected with the cession of this country to England. The last annual report of the Montreal Historical Society mentions the public sale in England of a volume, described as "unique," during the last year, for £107 stg., which contained all the information obtainable, when it was published, on this subject.

Amherst. This map was produced by the English in a subsequent negotiation at Paris, in 1761, and the line marked upon it, whatever it was, agreed upon, by the two Governments, as a true demarcation of the bounds of Canada on the west side and apparently also on another side. But the negotiations failed for the time, on a point wholly unconnected with Canada; and a different boundary was finally accepted, on the west. Vaudreuil afterwards denied that the limits marked on this map were correct; but that in no way detracts from the fact that the two negotiating governments agreed to accept them. The merits and demerits of that line were much discussed in the publications of the day, and its position seems to have been well understood; but I have not anywhere met with an exact description of it. The only sketch given of it, that I have seen, is in the British answer to the ultimatum of France, August 16, 1761. This answer declares that "the King will not desert his claim to the entire and total cession of all Canada and its dependencies, without any limits or exceptions whatever." This tone, taken at first, was continued to the end of the negotiations. "Canada," said the British answer, "according to the lines of its limits traced by the Marquis de Vaudreuil himself, when that Governor surrendered the said Province by capitulation to General Amherst, "comprehends on the one side the Lakes Huron, Michigan and Superior, and the said line drawn to Red Lake, takes in by a serpentine progress the River Oaubache, [Wabash] as far as its junction with the Ohio, and from thence extends itself along the latter river as far, inclusively, as its influx into the Mississippi." On which side did the line comprehend the three lakes? Was it on the north? England had little reason to trouble herself about boundaries on that side; since she would thenceforth be the owner of the whole territory. A southern line was very necessary; for there the dispute in which the war originated began. A line drawn south-west from the western extremity of Lake Erie might be said to embrace the three lakes mentioned; but then comes the difficulty how to connect the Wabash with Red Lake? The writer of the answer must be supposed to be looking at the map: he sees, let us suppose further, a line drawn from near

the west end of Lake Erie till it strikes the source of the Wabash ; notes that it is drawn to Red Lake, on the north ; and that in following the Wabash till it joins the Ohio, it takes a serpentine course southward, and that it follows the Ohio down to the Mississippi. This supposed line is not an impossible one ; but we must regard as singularly deficient a description of it which did not trace it along the Mississippi.

But this, I think it can be shown, from the contemporary writers, was not the line of 1761, and that line was not drawn along the Mississippi. The author of the *Enquiry into the Merits of the Supposed Preliminaries of Peace* is sufficiently explicit to remove all doubt on this point. He says : " The first enquiry into the merits of the peace is whether it will answer the purposes of the war ? The present war with France was begun for the security of our North American Colonies ; and the northern colonies can never be exposed after the cession of Canada : the late minister required this cession : the present ministry, it is said, require exactly the same. For the security of our new acquisition and our more southern colonies, where we could not demand cessions, as we had not made conquests, it was necessary to ascertain the boundaries between the French and our territory. Between Canada and Louisiana, the line drawn by the Marquis de Vaudreuil was, in the late regulations, chosen as the boundary between Louisiana and our Colonies ; the limits were those marked by the bounds of nations whose countries and their extent are very little known to us : in the present Treaty, it is said, our limits are fixed by the banks of the Mississippi, which is not only a boundary that can never be disputed, but at the same it adds to our Indian Empire all the nations that have ever annoyed us, and many of the most valuable French settlements in Louisiana."

The *Auditor*, a periodical publication, December 9, 1762, said : " The Marquis de Vaudreuil's map of Canada would have been a disputable boundary, and it has been lately urged that our security would have been precarious, as the French were in the eastern part of Louisiana to border closely upon our back settlements. These objections are now fully removed by making the Missis-

issippi from its source to its mouth [not quite] in the Bay of Mexico, the western limit of our North American Empire. The French settlers in Louisiana to the west of the Mississippi will never be able, hemmed in as they are from all free communication with Europe, to kindle up the flames of another American war."

It is evident from these extracts from publications of the time, that the line on Vaudreuil's map stopped short of the Mississippi.

I apprehend it was coincident with the dividing line between Canada and Louisiana; and that it stopped short at the head waters of the Illinois. But this is of no consequence in the present enquiry. We know that this line touched Red Lake, and there, I think, it terminated. The British Government describes it as being "drawn to Red Lake," not as striking Red Lake in its passage. Red Lake, if this reading be correct, was its most north-western point. There are two Red Lakes, either of which might be intended; but which of the two was intended it is perhaps not possible to determine with certainty without seeing the map. One is near the source of the Mississippi, and its point of junction with Red Lake River is placed by Mr. David Thompson (M. S.) in latitude $47^{\circ} 58' 15''$, and longitude $93^{\circ} 35' 37''$. He describes it as a fine sheet of water; and gives its dimensions as thirty miles by ten. In earlier times, the North-West Company had an occasional post there. The source of the Mississippi I find by comparison—Mr. Thompson being again the guide—is 29 min. north of the Lake, and $2^{\circ} 37' 8''$ west of it. It was evidently frequented by the French, as is proved by its having received its baptism in the language of that people. I have nowhere seen it called *Lac Rouge*, but in Henry's MS. journal. There is another Red Lake apparently above the 51st parallel, and between 94° and 95° W. longitude.

If the position of the Red Lake nearest the source of the Mississippi be correctly given by Mr. Thompson, this line must have been set aside by the Treaty of 1763; for in going to the source of the Mississippi, the western boundary line of the treaty would pass it 29 min., and would go $2^{\circ} 37' 38''$ west of it. We know

that the western frontier line of the Treaty ran farther west than the line of Vaudreuil's map ; and this agrees with the above comparison. It follows that if Vaudreuil's line was drawn to that Red Lake which is one of the sources of Red River, it was set aside by the Treaty. If it was drawn to the other Red Lake, must we regard it as dividing Canada from its dependencies ? It seems to have been generally assumed at the time the Treaty was concluded, that the Vaudreuil line was wholly wiped out by the final arrangement which gave England the Mississippi for a western boundary line, and that conclusion must, I think, be accepted as correct.

The significance of the Vaudreuil line was this : England and France agreed upon a western boundary for Canada, in the early stage of the negotiations, which takes us west of the meridian of the east end of Rainy Lake ; and the limits were extended over two degrees farther west in the definitive treaty of peace. We have a right to appeal to these facts in resolving the problem of the Order in Council and Proclamation of 1791, what is the " utmost extent of country commonly called, or known, as Canada ? " It cannot fall short of the easternmost of these points ; for that was agreed, at one time, by both governments to be its true limit ; and in the definitive treaty of peace Canada was made to extend to the Mississippi.

The Illinois country ceded by the Treaty had not lately been a part of Canada proper : it had for fifty-five years been incorporated with Louisiana. At a Council of State, held at Paris, September 27, 1717, the King being present, the annexation of Illinois to Louisiana was decreed. An *Extrait des Registres du Conseil d'Etat* sets forth the whole proceeding with the reasons therefor ; and is duly attested as a correct copy. On the 19th June, 1718, the King notified the Marquis de Vaudreuil, Lieutenant-Governor of New France, and Louis Begon, Intendant, and the officers of the Superior Council at Quebec, to read and publish the Letters Patent, in form of edict of August 1717, establishing the Compagnie d'Occident and the Arrêt of the Council of the 27th September, 1717, *pourtant et qui unit et incorpore le pays des Illinois a la Louis-*

iane, and ordering them to be kept and observed according to their form and tenor. After this, the inhabitants of Canada could not trade in beaver skins in Illinois.

In 1731, the King accepted the surrender of the Province of Louisiana and of the Illinois country from the Company, to take effect on the 1st July. Louis XV., in a letter to M. de Beauharnois and Hoquart, dated May 8, 1731, was undetermined whether the Illinois country should remain dependent on the government of Louisiana; he thought that would be the most desirable course, and he instructed these functionaries to examine whether it would be more convenient to disconnect it from that province. I have not met with their answer; but it is certain that Illinois continued connected with Louisiana till the conquest. During the war, M. Bertholot, the commandant at Illinois, received supplies from New Orleans so long as they could be spared; and in 1747-48 he was reduced to a condition, in which there was not an ell of cloth or a particle of ammunition either in the King's stores or among the traders.

Illinois was ceded with Canada, as a dependency of Canada, it must be presumed; for Louisiana was always dependent on the Government of New France, but not as part of Canada. Could it then be known as part of Canada in 1791? The Province of Quebec was extended to the Mississippi by Governor Carleton's commission in 1774. Was Canada in 1791 of less extent, in this direction, than the Province of Quebec in 1774? There is proof, I think, that from the time of the cession of the country by France, the British Government comprehended the whole of it, up to the Mississippi, under the general name of Canada. The commission of General Murray in 1763, as governor, confined his government to the Province of Quebec, as restricted by the proclamation of that year: "Bounded on the Labrador coast by the River St. John, and from thence by a line drawn from the head of that river, through the Lake St. John to the east end of Lake Nepissin, from thence the said line crossing the River St. Lawrence and the Lake Champlain in 45 degrees of north latitude, passes along the Highlands which divide the rivers that empty

themselves into the said St. Lawrence from those that fall into the sea ; and also along the north coast of the Baye des Chaleurs and the Gulf of St. Lawrence to Cape Rosières, and from thence crossing the mouth of the River St. Lawrence by the west end of the island of Anticosti ; terminates at the aforesaid River St. John." But while General Murray's government was confined to those limits, and while his commission confined his authority to the Province of Quebec, the commission of Nicholas Turner, as Provost Marshal, extended his authority over the whole "Province of Canada." This was not necessarily a mere confusion of terms, or an arbitrary use of the terms "Province of Quebec" and "Province of Canada." The distinction was probably intended to be real, and it was based on very substantial grounds, as will, I think, hereafter be seen.

How to deal with the new territorial acquisition in the interior, was a question to which much attention appears to have been paid. There was a question of establishing a separate civil government or governments in the interior. Col. Bradstreet, writing from Albany, Dec. 4, 1764, remarked that if this plan were decided against, "still some court of justice is rendered necessary, to the end that offenders, inhabitants, Indians, traders, and others might be brought to justice, and punished by a law that might prevent litigious suits and satisfy the savage that the strictest justice is done therein at all times." The Lords of Trade, July 10th, 1764, in a letter to Sir William Johnson, expressed the opinion that "the points at which it is advisable to fix the [Indian] trade in the northern district are Oswego, Niagara, Pittsburg, the Fort on the Miami river, Fort Chartres, in the Illinois country, Missillimackinac." "This," they added, "is an essential part of our plan." Col. Crogan took possession of the Illinois in 1765.* In 1768 (March 7), the Lords of Trade recommended "the reduction of all such posts in the interior country as are not immediately subservient to the protection of the Indian commerce and to the defeating of the French and Spanish machinations among the In-

* Sir William Johnston to the Lords of Trade, Sept. 28, 1765

dians, or which, although in some degree useful for this purpose, cannot be maintained but at an expense disproportionate to their degree of utility." They thought it would be sufficient to keep up military establishments at Detroit, Missillimackin and Niagara, and that two or three armed vessels on Lakes Erie, Huron, Michigan and Superior would be sufficient. But they did not undertake to decide the military question of what further posts might be necessary to prevent dangerous intercourse "between the French and the Spaniards at New Orleans." Against the proposal to establish new civil governments in the interior, the Lords of Trade were very decided. The enquiry came up on a letter of the Earl of Shelbourne, asking how far the establishment of civil governments on the Mississippi, the Ohio and at Detroit would contribute to lessen the military expenses or to procure other advantages. The proposition to form inland colonies they described as new. The object of colonizing was "to improve and extend the commerce, navigation and manufactories of this kingdom by promoting the fishery carried on upon the North-west, by securing a supply of lumber and other necessities for the support of our establishments in the American islands. To secure these ends the policy has been to confine the settlements as much as possible to the sea coast, and not to extend them to places inaccessible to shipping and more out of the reach of commerce. It guarded against the interference of foreign powers, and enabled this kingdom to keep up a superior naval force in those seas by the actual possession of such rivers and harbours as were the proper stations of our fleets in time of war. They could not recommend the adoption of a new policy at an expense which the country was unable to bear; and besides an inland settlement, inaccessible to shipping, "would probably manufacture for itself."

While the policy of discouraging interior settlements, by refusing to establish separate governments for their protection, had been acted on, and while the powers of the Government of the Province of Quebec could not be exercised west of Lake Nipissin, the necessity of having some means of administering justice in the interior, which Col. Bradstreet had insisted on even before Illinois

was got possession of, could not be ignored. Though it was not intended to permit any settlements, in the proper sense of the term, in the interior or Indian country, "all persons resorting there for trade were to be subject to a police deriving authority immediately from the Crown, and supported by a revenue arising from a tax upon the trade, to be imposed by Parliament."* Here we have reasons of necessity for extending the commission of the Provost Marshal, Nicholas Turner, to the whole "Province of Canada," which must have included all the country in which any Indian trade was carried on. And the Order in Council and Proclamation of 1791 cannot be taken to circumscribe the limits of Canada, or make them less than they were before; for both these instruments make the Canada of 1791 what it had come to be generally or commonly known to be: to embrace the "utmost extent of country commonly called or known as Canada."

The scheme of a tax on trade to support a police authority in the interior country was abandoned, in consequence of the odium into which internal taxes, in the colonies, had fallen.

When the Quebec Act was under discussion in the House of Commons, Lord North stated it as his opinion that the Bill did not extend "farther than the ancient limits of Canada." It added two countries not included in the proclamation of 1763: "one on the Labrador coast, the other country westward of the Ohio and [to?] the Mississippi, and a few scattered forts in the west." Attorney-General Thurlow distinctly described the country to which the Quebec Act would extend as "bounded by the Ohio and the Mississippi;" and the commission of Guy Carleton, issued immediately thereafter, which, as Attorney-General, it would be his duty to inspect and examine, so extended the Province of Quebec. At this time a new policy had been adopted. It being found unadvisable to carry out the idea of an internal tax for the support of a police administration, and the project to establish separate civil governments in the interior having been rejected, nothing remained but to extend to the whole country the provision of the

* The Justice and Policy of the late Act of Parliament for making more effectual provision for the government of Quebec asserted and proved.

14 George III. By the term "ancient limits of Canada," Lord North must have intended the limits of the country as it was obtained from the French; for the "ancient limits," in a stricter sense, did not extend half so far. The "few scattered forts in the west," of which he made mention after he had spoken of the country as far west as the Mississippi, would, if the expression were taken alone, seem to mean to the north-west of the Mississippi; but I have found no additional facts to support that view of the matter.

By this time "Province of Quebec" and "Province of Canada," so distinct before, had apparently become convertible terms. The Province of Quebec, in 1774, extended to the Mississippi; the Province of Canada, in 1791, was not restricted within narrower limits.

The commission of Nicholas Turner was dated September 23, 1763, a fortnight earlier than the proclamation under which the country was governed for eleven years was issued, and some time before the date of the commission of General Murray as Captain-General and Governor-in-Chief of the Province. Mr. Turner was authorized to perform his duties by deputy, and in fact never went to Canada.* Still the early appointment of such an officer shows how strongly the Imperial Government felt the necessity of establishing a police authority in those parts of Canada which the proclamation did not include in the Province of Quebec. When the scheme of policy at first conceived of subjecting traders in the interior country to a special police authority failed, the necessity of enlarging the bounds of the Province of Quebec became imperative. A petition of the inhabitants of Canada, presented to Parliament two months before the Quebec Act was introduced, prayed for "the reannexing to the Province all the coast of Labrador," and also "those several tracts of country in the interior and higher

* Georgia had had a Provost Marshal for the whole Province, whose duties were in the nature of those of a Sheriff of an English county. The principal resided in England and rented out the office to a deputy, who was styled Acting-Provost Marshal. This practice was put an end to by 22 Geo. III., c. 75, which required residence in the colonies of all persons appointed to offices therein.

parts of North America, which formerly made a part of Canada, in the time of its subjection to the French Crown, but which now, by the limits assigned to the Province aforesaid, are out of its jurisdiction." The passing of the Quebec Act was a substantial granting of this petition. After that event, Governor Carleton, in proclaiming martial law, June 9, 1755, gives himself the title of "Captain-General and Governor-in-Chief in and over the Province of Quebec, and the territories depending thereon in America, Vice-Admiral of the same, and Major-General of His Majesty's forces, commanding the northern district." Before this date, Hon. Thos. Gage, Hon. Jas. Murray, Ralph Burton, and Frederick Haldimand, Esqs., had been His Majesty's Governors in the Province of Quebec, only.

A ministerial defence of the Quebec Act, which appeared at the time, and which had a remarkable similarity to Lord North's then unreported speeches, delivered when the bill was under discussion, insists strongly on the necessity there was of including Illinois in the Act, though much of it would be excluded by a line drawn due north from the junction of the Ohio with the Mississippi. It is in the shape of a pamphlet, entitled, *Thoughts on the Act for making more effectual provision for the general government of Quebec*. The writer says: "The limits to which this Act is allowed to extend has been a subject of much altercation; the principal objections being that it takes in lands that do not belong to Canada, and that it will prejudice our Labrador fishery. The first objection is known to be of little consequence to those who are acquainted with the Act. The extensive territory that it takes in is chiefly deserts, with a few scattered Indian settlements, inhabited by traders and a few others. Now, the necessity of giving these people a government is universally agreed, and by annexing them under the jurisdiction of the Province of Quebec, the difficulties that would attend giving them a separate government are obviated; to grant them one different to [separate from] that of Canada, would be the very means of increasing the settlements in the Illinois, which in time would greatly affect the independence of the other colonies.

The encouraging or even admitting settlements in the interior of America is so contrary to those solid maxims of policy that penetrate the consequences of things, that it demands the greatest attention to prevent them, as nothing would be more fatal to the authority of this kingdom over America than their population." The lands so included came, as has been seen, to be considered part of Canada. They were annexed under the description of the Province of Quebec, and as such distinctly included, up to the Mississippi, in the commission of Guy Carleton of 1774.

It was contended, on the part of the Crown, at the trial of Reinhard, that the limits of Canada under the Act and the proclamation of 1791 were the same as those under the Quebec Act. The Attorney-General said: "The Act [of 1791] being to divide the Province of Quebec, I contend that the limits of the two provinces must be found in those which constituted the province out of which they were formed, and that whilst, on the one hand, they must together be commensurate with those limits, so, on the other, they cannot exceed them." If the explanatory words in the commission of Guy Carleton, showing that the "northward" line was to be drawn from the point of the junction of the Ohio with the Mississippi, along the left bank of the latter river to its source, had been known to the Attorney-General, he would not have ventured upon an argument that would have disproved the proposition he wished to establish. We know that the Province of Quebec did extend, under the Quebec Act, to the left bank of the Mississippi, from its source to where it receives the waters of the Ohio; and when the identity of these limits with those under the Act, Order in Council and Proclamation of 1791, is shown, the western limits of Canada is proved to extend to the Mississippi at the latter date.

But, it is said, the north-west boundary of Ontario has been judicially determined to be a line drawn due north from the junction of the Ohio with the Mississippi; and that this "solemn decision" must be held to be binding till it is set aside by competent authority. The decision in question was purely incidental to the main issue—which was the guilt or innocence of a person charged with murder—and the question was only very partially

and imperfectly brought before the court. Counsel charged with the defence of the prisoner could not be expected to get up, as an incident of the case, the whole question of the boundaries of the then Province of Upper Canada. Under the circumstances, the question could not be fully and fairly brought before the court.

The case arose out of the following circumstances. In May, 1818, Charles de Reinhard was put on trial, at Quebec, for the murder of Owen Keveny, in the Indian territories. The defence brought in question the jurisdiction of the court; contending that the place where the murder was committed was in Upper Canada, and not in the Indian territories, and that a Lower Canada court had no jurisdiction. Chief Justice Sewell, in delivering the judgment of the court on the point of jurisdiction, said: "*La limite ouest du Haut Canada est une ligne tirée vrai nord de la jonction des Rivières Ohio et Mississippi, dans la latitude de 37° 10' nord, et la longitude de 88° 50' ouest.*" (The western limit of Upper Canada is a line drawn due north from the junction of the Rivers Ohio and Mississippi, in north latitude 37° 10', and 88° 50' west longitude.) Whether this decision be agreeable to the evidence before the court, it by no means follows that it would have been given if the whole case had been fully presented. The counsel for the defence had no knowledge of the commission of Guy Carleton of 1774, or the subsequent commission of Lord Dorchester; they knew scarcely anything of the early French discoveries and establishments in the north-west; they knew nothing of the Vaudreuil map, or of the French Government having used another map, at the time of the cession of the country in 1763, which represented the whole north-west country as a part of Canada; they had no knowledge of the fact of the Governor of Canada, in 1750, sending to the Marine Department a map to illustrate discoveries "in the west of Canada," which included the valley of the Saskatchewan. These able counsel—Mr. Stewart, afterwards Chief Justice, Mr. Vanfelson, and M. Valière de St. Real—rested their case on the proclamation of 1791; the commission of the Duc de Ventadour and that of Champlain; extracts from Raynal, Pinkerton and Bouchette, the first of whom carried

Louisiana, on the north, through unknown countries, to Hudson's Bay ; from the second they derived the information that "during a century and a half that the French possessed Canada, they made discoveries towards the west, and Lahontan, in the end of the seventeenth century, has given a tolerable account of some lakes beyond that called Superior, and of the River Missouri," and that Canada extended "to Lake Winnipeg in the west ;" and from the third, that no limits had been assigned to Canada on the west.

Such were the limited grounds and imperfect and unreliable and contradictory information on which the defence rested the objection to the jurisdiction of the court. There was besides the question of the construction of the Quebec Act, and the Constitution Act and Proclamation of 1791. Chief Justice Sewell, speaking for the whole court, decided, in effect, that the limits assigned to the Province by the Proclamation of 1791 were identical with those prescribed by the Act of 1774. If, with the additional light which the commission of Guy Carleton, 1774, throws on the subject, we admit this conclusion and exclude other evidence, it would by no means follow that the western limit of Canada is a line drawn due north from the junction of the Ohio with the Mississippi: it would still remain true that the east bank of the Mississippi to its source was the boundary ; and there is every reason to believe that the court, if the whole question had been placed before it, must have so decided.

Evidence was heard on a point connected with the construction of the Statute: experts were asked to say what was the technical meaning of the word "northward." For this purpose, some surveyors were examined. Of these the first was Mr. Sax. He placed the junction of the Ohio with the Mississippi in latitude $37^{\circ} 10'$ north, and longitude $88^{\circ} 50'$ west of Greenwich ; and said that a line drawn due north from that point would strike the north shore of Lake Superior about three-quarters of a degree east of Fort William. But he made a distinction between a "northward" and a due north line. "A line," he said, "supposing it to run due north from the junction of the Ohio and Mississippi rivers, would leave the river Winnipeg five degrees out of the Province of Upper

Canada, not a northward line, but a due north line." Then he was asked by the Attorney-General, whether he meant "to say that a northward line is not a due north line?" This was the whole question involved in the construction of the term "northward." Mr. Sax replied: "It is not always [a due north line]; it may be north by west or north-north-west, or many other points of the compass," while "a due north line is one that goes direct to the North Pole without any deviation whatever." He was next asked whether, if he had a northward line to run, he would not run it due north?" "Perhaps I might and perhaps not: I would certainly run it northerly, though I might not run it due north," was the reply. The Attorney-General put the question in different forms, but was unsuccessful in inducing Mr. Sax to say that a northward line was a due north line. Chief Justice Sewell came to the aid of the Attorney-General, and entered on a course of earnest, not to say angry, browbeating cross-examination, little consistent with the preservation of the judicial temper.* Mr. Sax admitted that if he had a northward line to draw, without other instructions, he should "draw it due north either astronomically or magnetically: magnetically if there were variation, and astronomically if there were none;" though he could not be brought to admit that a northward line was necessarily a due north line. Unless the word "northward" in the Quebec Act had been explained by Guy Carleton's commission, Vaudreuil's map, or in some other way, it would have been unqualified; and without such qualification Mr. Sax was plainly in the right when he said that, if instructed simply to run a northward line, he would have to run it due north. Mr. Bouchette, Assistant-Surveyor-General, who was also examined, held to the due north line. Mr. Bouchette was but nineteen years of age; and in giving a due north line from the junction of the Ohio with the Mississippi, he was only repeating the error of his father's map, to which the line had been transferred from that of Edward Bowen. So do geographers care-

* "The judge should remain, during the trial, mere judge, and never become examiner or part of the prosecution."—Lieber: *On Civil Liberty and Self-Government*.

lessly reproduce one another's errors. "In other maps," he admitted, "the western limit of Upper Canada is drawn as running from the mouth of the Mississippi until it strikes its source in Turtle Lake;" where, I apprehend, any geographer who had seen Guy Carleton's commission would have drawn it. But geographers are often profoundly ignorant of everything on which the boundary lines of Provinces depend. The value of Bowen's line of demarcation may be judged by the circumstance that it professes to be drawn by the Commissioners under the Treaty of Utrecht. It is evident that neither he nor Mr. Bouchette, senior, who copied the blunder, nor Mr. Bouchette, junior, the witness, was aware that the Commissioners under the Treaty of Utrecht never settled any line at all.*

On the trial of Paul Brown and Francois Firman Boucher, for the murder of Mr. Semple, in the Indian territories, the questions of jurisdiction and boundaries were touched on. The trial took place at York, in October, 1818. The alleged murder was committed at the site of the present town of Winnipeg. This case, with that of several others included, on the same or a similar charge, was sent up for trial from Lower Canada, under the great seal of that Province, as authorized by the 43rd George III., entitled "An Act for extending the jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining the said Provinces." The instruments under which these cases were sent to York for trial assumed that the alleged crime had been committed in the Indian territories. During the examination of Mr. Coltman, he said: "It is certainly matter of notoriety that the Red River country was

* The errors that have prevailed on this subject would be unaccountable on any other supposition than that a confidence altogether undeserved is sometimes given to maps which purport to convey information on points on which their authors are ignorant. Mr. Rush, American Minister to England, stated, in 1824, in presence of the British plenipotentiaries, with whom he was negotiating, that the line of division between Canada and the Hudson's Bay Territory had been settled along the 49° parallel; and he did so apparently without contradiction, for he repeats the error in a publication deliberately given to the world twenty-one years after.

formerly frequented by the French traders—that is, before the conquest by the English ; but I do not know whether Nouvelle France was considered as taking in this part of the Indian territory.” On which Chief Justice Powell remarked, “ I am tolerably conversant with maps myself, but not sufficiently so to say whether this part of the country was or was not a part of Canada. I never understood, extensive as were the limits of what the French called Louisiana, that they spread so far north as this ; nor can I distinctly say that it formed a part of Canada. Relative to Nouvelle France, it was never, I believe, defined with sufficient accuracy to enable us to say what were its limits. If they have been, it is beyond my knowledge.” There is a real modesty about this statement, that speaks well for the temper of mind in which it was conceived. The Chief Justice seems to have had a doubt about the jurisdiction of the Court, for he raises the point in his charge, though the jurisdiction had not been excepted to. “ The first point,” he said, “ and one of importance, supposing it had been attempted at all to doubt it, is to establish that we have the jurisdiction given by the statute, and then we should have to consider whether the place at which the offence is charged to have been committed is without the limits of Upper Canada and of Lower Canada, as required by the Act of the 43rd. Upon these points we can judge only by inference, and by certain proof given in testimony during the trial, that this Red River country, or the Frog Plains, are somewhere about $49^{\circ} 30'$ of north latitude, and from 90° to 100° , or thereabouts, of longitude. I premise by stating this to you, and also to mention, that there is no further evidence to satisfy you of your jurisdiction.” And again, “ Mr. Attorney-General has put in evidence the latitude and longitude of the Frog Plains, but he does not put in evidence whether this latitude and longitude are without the boundaries of Upper Canada, and I do not know whether 90° to 100° or 150° form the western limit of Upper Canada ; nor do I know whether a place at that longitude, and having $49^{\circ} 30'$ north latitude, is within the Province of Upper Canada or beyond its boundaries.” In vain the Attorney-General called upon the Chief Justice to instruct

the jury whether the place at which the alleged crime had been committed, and of which the position had been established by evidence, "be or be not without the Provinces of Upper or Lower Canada, and part of the Indian territories." The Chief Justice would not undertake to decide so serious a question by a side-wind; and he directed the jury, if they found Boucher guilty—there was no evidence against Brown—to do so by a special verdict, raising a doubt whether Upper Canada did not extend to the junction of the Assiniboine and Red Rivers, to this effect: "We find François Firman Boucher guilty of the murder of Robert Semple. We cannot see from any evidence before us what are the limits of Upper Canada." "Then," added the Chief Justice, "when the case is made up for argument, it will be set forth that the spot was in about 40° 30' north latitude, and between 90° and 100° west longitude; and a solemn decision being had upon it, justice will eventually be rendered according to that decision." Mr. Sherwood, counsel for the prisoners, submitted that the question of jurisdiction was one of fact, not of law, and that it was the province of the jury to decide it; whereupon the Chief Justice said: "The jury may return a general or a special verdict, as they think proper." The verdict was "Not guilty;" and as no subsequent convictions took place, no case was made up, and the question of territorial jurisdiction remained undecided.

The course suggested by Chief Justice Powell was the only one by which the question could be fairly determined. The incidental decision of the Lower Canada Court in favour of its own jurisdiction cannot be held to be of any value, in face of the new evidence which has been discovered in the course of this investigation.

The disturbances which gave rise to the trials at York, in 1818, arose out of the collision between the North-West and the Hudson's Bay Companies. Prior to the cession of Canada the Hudson's Bay Company had never extended its establishments west of Lake Winnipeg, and the chain of water which leads thence down to Lake Superior, including the Lake of the Woods and Rainy Lake; and when, several years after the conquest, it pushed its operations west of this line, it found itself preceded by the North-West Com-

pany. A fierce rivalry sprang up between the two Companies, and a species of private war was carried on in which many lives were lost. In 1811, the Hudson's Bay Company assumed to grant to the Earl of Selkirk a tract of land under the following description: "Beginning on the western shore of Lake Winipic, at a point in fifty-two degrees and thirty minutes north latitude; thence running due west to the Lake Winipigashish, otherwise called Little Winnipeg; then in a southerly direction through the said lake, so as to strike its western shore in latitude fifty-two degrees; then due west to the place where the parallel of fifty-two degrees north latitude intersects the western branch of Red River, otherwise called Assiniboin River; then due south from that point of intersection to the height of land which separates the waters running into Hudson's Bay from those of the Missouri and Mississippi Rivers; thence in an easterly direction along the height of land to the source of the River Winipic (meaning by such last-mentioned river the principal branch of the waters which unite in the Lake Saginagas); thence along the main stream of those waters and the middle of the several lakes through which they pass, to the mouth of the Winnipeg River; and thence in a northerly direction through the middle of Lake Winnipeg, to the place of beginning." This is a grant of lands which the Company assumed to have derived from the Crown through its charter, though it never had possession of them during the French occupation of Canada, when they came under the dominion of the French Crown, and when, many years after the conquest, much over a century after its charter had been granted, it extended its operations there, it found the country in possession of other British subjects. It will be seen that the limits of this grant do not assume to extend south of the height of land on the Pigeon River chain of waters; whence the presumption follows that the Company then claimed that division of the two watersheds as the southern limit of its territory. The facts just stated show the slender ground on which that claim rested. But even that line of division would give Ontario three millions nine hundred thousand acres more than she would obtain if cut off, on the west, by a line drawn due north from the junction of the Ohio with the Mississippi.

The decision of the Court of Lower Canada, on the western limit of Upper Canada, left wholly out of account the Treaty of 1783, by which England had ceded to the United States a large part of Canada as it stood in 1774, when the 14th George III. was passed. A line drawn due north from the junction of the Ohio with the Mississippi would include nearly the whole of Michigan and Illinois, and the eastern part of Wisconsin. The description in the Act of 1774, however it may be construed, had ceased to be applicable in its full extent. The Treaty of 1783 had rendered another description of the boundaries of Canada necessary : the line of division, instead of going along the Ohio to the Mississippi, was drawn through the middle of Lakes Erie and Huron. To bring the powers of the Government of Canada within those restricted limits, no new Act of Parliament was deemed necessary. For three years, the Treaty itself seems to have been the only authority on the subject. It was not till 1786 that a new Commission, under the Great Seal, was issued to Lord Dorchester (previously Sir Guy Carleton), with a new description of Canada according to that in the Treaty. This line, when it reached Lake Superior, went through that lake "northward of the Isles Royal and Philipeaux, to the Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods ; thence through the said lake to the most north-western point thereof ; and from thence on a due west course to the River Mississippi, and northward to the southern boundary of the territory granted to the merchant adventurers of England trading to Hudson's Bay." This description takes us to the most north-western point of the Lake of the Woods, and thence due west to the Mississippi (which the reader need not be informed it would not strike), "and northward"—that is, northward of a line drawn due west from the most north-west point of the Lake of the Woods—"to the southern boundary of the territory granted to the merchant adventurers of England trading to Hudson's Bay." This commission does not enable us to say where the southern border of the Hudson's Bay Territory commences ; but it distinctly places it north of the most north-west point of the Lake of the Woods.

The most north-west point of the Lake of the Woods is the starting point, and when a due west line has been drawn thence, it is plainly stated that the southern frontier of the Hudson's Bay Territory is to be found by going "northward."

We must consider this question with reference to the state of geographical knowledge at the time. It was not known then, nor till after the Constitution Act of 1791 had been passed, that a line drawn due west from the most northern point of the Lake of the Woods would not strike the Mississippi. The Treaty of 1783 and the Commission of Lord Dorchester, 1786, both made the north-west corner of the Lake of the Woods the starting point of the due west line; and as the geographical error had not been exploded in 1791, the Parliament and Government of Great Britain must still have proceeded on that assumption: neither the one nor the other can be presumed to have intended anything beyond the scope of the knowledge it then possessed. When the southern limit of Hudson's Bay Territory was mentioned, it could not have been intended to signify any line south of the north-west corner of the Lake of the Woods, and the Commission of Lord Dorchester distinctly places it north of that point.

This description does not include a western boundary. It takes us west to the Mississippi, on two lines drawn from east to west, one of them due west; but between these two lines it describes no closing line on the west.

The significance of this omission will appear in its full force when taken in connection with the Order in Council and Proclamation of 1791, and the extent to which France carried the bounds of Canada on the west. The Proclamation includes all the territory westward and southward of the southern boundary of the the Hudson's Bay Territory "to the utmost extent of country commonly called or known as Canada;" and the French Governor of Canada, in 1750, included a large part of the Valley of the Saskatchewan "in the west of Canada;" and the French Government, as we have seen, is said to have surrendered the whole of that country to England at the cession of Canada, as proved by the map made use of.

If the Commission of Lord Dorchester made a new description

of the boundaries of Canada, there were two reasons for the change: the description contained in the Quebec Act had ceased to be true on the conclusion of the Treaty of 1783; and when the United States had obtained a cession of the western part of Canada, now Michigan, Illinois and Wisconsin, it is easy to conceive reasons of state for extending the authority of the Government of Canada in the rear of the territory so ceded. The Hudson's Bay Company had, in 1786, not extended its operations there; and the southern border of its territory, wherever it was to be found, is always treated as a fixed and determinate limit. It is so treated in the Quebec Act, in the Commission of Lord Dorchester, twelve years later, in the Proclamation of 1791. The Company could not extend its territory southward of a limit so fixed; and as, according to the description in the Commission of 1786, there was a strip of territory between the United States' northern frontier and the southern boundary of the Hudson's Bay Territory, it was necessary to extend the authority of the Government of Canada over it. Taken in connexion with this Commission, the Proclamation of 1791 may be regarded as having carried the bounds of Canada to the furthest limit to which the French previously extended them.

The Commission of 1786 was evidently intended to supersede that of 1774, so that we cannot fall back on the description of a western boundary contained in the latter.

There is nothing in the description of the Indian Territories, the exclusive privilege of trading in which was granted to the Company in December, 1821, for twenty-one years, and for a second period of twenty-one years in May, 1838, to interfere with the limit given to Canada by Lord Dorchester's Commission. The Indian Territories are described in these terms: "All such parts of North America to the northward and to the westward of the said lands and territories belonging to the United States of America, as shall not form part of any of his said Majesty's provinces in North America, or to any lands or territories belonging to the said United States of America, or to any European government, state or power." Canada, being one of His Majesty's pro-

vinces in North America, could not be encroached on by this license of trade, and its limits remained as they were before. The description in the Commission of Lord Dorchester is the latest specific description of the bounds of Canada ; and is of great assistance in enabling us to understand the general description in the Proclamation of 1791, because it extends the southern boundary of Hudson's Bay Territory north of the most north-west point of the Lake of the Woods, while it leaves open the question of limits on the west.

Very little assistance can be obtained in determining the boundaries of Ontario from maps which purport to give the boundaries of Canada at the Treaty of Utrecht or the conquest of Canada. A map drawn by Mr. Thomas Devine, and published by order of M. Cauchon, Commissioner of Crown Lands, in 1857, had transferred to it two lines which purport to give the boundary between Canada and Hudson's Bay (the term Hudson's Bay Territory is of comparatively modern origin). One is marked "Boundary of Hudson's Bay after the Treaty of Utrecht, according to maps published at Paris, 1720, 1739, and 1771." This line sweeps round James' Bay at no great distance from its head, above the 50° of latitude, crossing the rivers that run into the Bay much nearer their mouths than their source. After passing Moose River in its westward course, it deflects north-westward with a general conformity to the indentations of the coast till it reaches Nelson River, whence it is drawn nearly due north towards the mouth of the Churchill River. Everywhere it crosses the rivers a considerable distance from their sources, and encloses only a narrow belt along the shores of the Bay. My reason for thinking that it is not the true, or not the entire, line of boundary is, that it does not include the shore of the Bay above the Churchill River. The great object of England, throughout the whole negotiation of the Peace of Utrecht, was to obtain the whole Bay and Straits of Hudson. But this line would probably include quite as much as France was in a position to restore to England ; for she could restore only what she had actually possessed. This line may express the French understanding of what France was bound to

restore to England. It may even be identical with the line marked on the map by the French plenipotentiaries; but it is evident that, England might reasonably object that it did not go far enough north; and that, by the Treaty, she was entitled to the shores of the Bay above as well as below. The other line is marked "Northern boundary of Canada at the conquest of Canada, according to British geographers." It commences below James' Bay, nearly as far south as the 48th degree; leaving the sources of the three branches of the Moose River to the south on its westward course, and, passing north of Lake Nipigon, it cuts off a river of the southern watershed which is represented as running into that lake from the north: it crosses what appears to be the height of land between Lake Savon and Lake St. Joseph, on the north-east, and Lake Sel (marked Lake Sal) on the south-west; from this point, its general course is north-westward, taking mainly the same direction as the other line, at about twice its distance from the coast, from which it runs about twice as far, on the west, as its course is east of Lake Winnipeg; and is carried northward a little above Seal River. It would be idle to speculate on the subject; but it would not be surprising if these two lines were found to occupy nearly the same position as those marked by the plenipotentiaries at Utrecht. I have seen nothing to lead to the conclusion that the English had extended west or south of this line before the cession of Canada.

We know that the French and English plenipotentiaries at Utrecht did not agree on a common line as drawn upon a map: but the difference between the two lines was left for adjustment afterwards. The mean or true line of the Treaty of Utrecht was never authoritatively laid down on any map. Between that line, suppose it were found, and the boundary line of Hudson's Bay at the cession of Canada, there would be no difference; for the boundary was the same at the two epochs. It is a manifest inaccuracy to lay down two separate lines to represent the boundaries of the two periods. But the two lines reproduced by Mr. Devine are confessedly one French and the other English.

I do not refer to this map to show the opinion of the Govern-

ment of the late Province of Canada, or of its successor, if it has one. The map was prepared for the information of the Government, and no more binds the Government than any statement or opinion in this report could be held to bind the Government of Ontario. But the map may be referred to as illustrating the historical geography of Hudson's Bay.

The author of *l'Itineraire des Français dans la Louisiane* makes the unknown lands of Canada extend to Hudson's Bay, at the time of the grant of Louisiana to Crozat, in 1712.* The country towards Hudson's Bay was not unknown to the French in the same way that the country granted by Charles II. to the Hudson's Bay Company was unknown to the English in 1670. On the contrary, the French were well acquainted with the country on the west and south coast of Hudson's Bay, where long before they had erected establishments and carried on trade. Part of the intermediate country, north of the great lakes, was little or not at all known by them. The author of *l'Itineraire* had borrowed the above description from Raynal, whose work was composed after the French dominion in Canada had ceased, and when there could be no national object in extending the limits of Canada beyond what the author believed to be its true bounds. His description, however, was not strictly accurate, as he would have learnt if he had paid due attention to the Treaty of Utrecht. It is surprising to note the complacent facility with which errors of this kind are repeated by writers who transcribe and compile without reflection and critical investigation. I notice this error the more readily, because it was relied on by the able counsel by whom Reinhard was defended, as a true description of the bounds of Canada on the north.

De Lisle's *Carte de la Louisiane*, as published in 1718, does not extend that Province north of the 46° of north latitude; and it only shows the part of Canada which reached upwards to that

* La Louisiane est une vaste contrée de l'Amérique Septentrionale, bornée au midi par la mer, au levant par la Caroline, au couchant par le Nouveau Mexique, au nord par cette portion du Canada dont les terres inconnues doivent s'étendre jusqu'à la Baie d'Hudson.

parallel. His *Carte du Canada ou de la Nouvelle France*, of the date 1703, may be taken as a fair representation of the geographical knowledge of the country possessed by the French at that date. It is very inaccurate in many particulars, where it undertakes to delineate the interior country west of Hudson's Bay. On the shores of the Bay, as far north as Nelson River, it is tolerably accurate. There we find Fort Bourbon, Fort de Neuve-Savane, Fort Ste. Anne or Quichichoue on the west; and Fort St. Louis on Albany River, and Fort Rupert on the river of that name. But the delineations at any considerable distance west of the Bay are evidently based on inaccurate information. There is a large lake on the south side of the Ste. Thérèse River—the same of which Jeremie wrote—which we look for in vain on modern maps, and it is not mentioned by Franklin, who went up this river in his overland journey, in 1819. Lake Nipigon is passably well figured by the French geographer; but there is a still larger lake—marked Lac de Christineaux—represented as connecting with it directly north, which has no existence. It was probably intended for Rainy Lake, as it connects, by means of a river running west, with the Lac des Assenipouils, which latter also connects, correctly enough, with the Nelson River, and which is intended to represent Lake Winnipeg. The position of these lakes must have been laid down from inaccurate information derived by traders from the Indians. West of Lake Winnipeg the whole country is nearly a blank; and what is not blank is not accurate. The only information which the map purports to give north of Nelson River, on the west coast, is a small portion of the Churchill, marked *R. de Munck ou R. Danoise, ou R. Churchill*, situated a little above Pointe Hebrin, with Cape Grimington, many hundreds of miles out of the position where geographers have long concurred in placing it.* Near the north-west corner of the Bay are the words, *Port de Jean Munck, où il hyverna l'an 1619*; a date which, if correct, negatives the claim of the Danes to be the discoverers of

* The French geographer places this cape on the west side of Hudson's Bay, instead of the Labrador coast. Capt. Grimington, who commanded an English Expedition to Hudson's Bay, in 1793, no doubt gave his name to the cape.

the Bay. The line drawn to denote the *Hauteurs des Terres* between the southern and northern watersheds, shows, for the time, surprising geographical knowledge of the country as far west as Lake Nipegon; from that point the line is inaccurately drawn to the southern end of Lake Winnipeg. Its latitude of the northernmost point of Lake Superior is only about seventeen minutes out of the true position.

De Lisle was a member of the Royal Academy of Sciences, and first geographer to the King. What he did not know of the country, it is probable no Frenchman or Canadian colonist knew. From the account of Jeremie, who had the best means perhaps of any Frenchman of obtaining a knowledge of the geography of the country west of Hudson's Bay, up to 1713, it does not appear that the French had much increased their knowledge of the geography of that region, at the time France restored to England whatever that Crown possessed on the shores of the Bay, by the Treaty of Utrecht.

English geographers were not nearly so well acquainted with this northern country. Herman Moll, in 1708, places the north side of Lake Superior in $51^{\circ} 30'$, an error of two degrees. He places Lake Nipegon, as far north as the mouth of Nelson River, within about a degree; an error, if Arrowsmith's map be reliable, of six degrees.* Nelson River has nearly the shape of a V, and it only extends about half as far west as Lake Nipegon, just north of which it would pass if produced due west. Though we cannot accuse Moll of plagiarizing De Lisle, he repeats the error of the French geographer in connecting Lake Nipegon on the north with a lake which he calls Assenipovals, by means of a river. West of this lake there is another, intersected in the centre by the 60° of latitude; all the rest is a blank, north of the source of the Mis-

* Though Arrowsmith may here be relied on for the purpose of this correction, even that celebrated name is not always a guarantee of accuracy. "It may appear astonishing," says Humboldt, "that the most recent map which we are analysing, and which bears the name of a justly celebrated author, should be the falsest of all. I speak of the large English map which has for title, *Chart of the West Indies and Spanish Dominions in North America*, by Arrowsmith, published in June 1803.

issippi, and west of Lake Nipegon, marked "parts unknown." The special importance of this map—for it has no official character—lies in the fact that in 1708 English geographers did not know that the Nelson River connected with Lake Winnipeg on the west. Port Nelson was then in the hands of the French, and it remained in their possession till after the Treaty of Utrecht; Jeremie being in command, under a commission from the King of France, in the interim. What the English did not know of the geography of this river in 1708, they had no opportunity of learning during the next five years. They could have had restored to them only what they had previously possessed; and they could not be said to have possessed a country of which they had no knowledge, on which no British subjects had ever set foot. This map was published in Oldmixon's *British Empire in America*, in which the account of Hudson's Bay appears to have been chiefly prepared from materials in the exclusive possession of the Company.

From the map attached to Wayne's *General History of the British Empire in America*, published in 1770, English geographers do not appear to have much advanced in their knowledge of the country. Albany River is here represented as having a general course from west to east, and as uniting Christineaux Lake, which occupies the same relative position as on Moll's map, with James' Bay. This author distinctly admits the ignorance which prevailed in England of the geography of Canada. "The extent of the boundaries of Canada," he says, "are variously fixed by the French geographers, and perhaps still remain undiscovered, as well as the source of the St. Lawrence river, which runs through the country, and is pretended to be derived from remote north-western lakes as yet unknown to Europeans." They had long been known to the French.

Thomas Kitchen, "Hydrographer to His Majesty," contributes a map to Justamond's translation of Raynal's *East and West Indies*, 1774, in which Lake Superior is made to extend north to 48° 40' latitude, an error of about ten degrees! In another map in a later edition of this translation, 1783, Mr. Thomas Kitchen, senior,

still "Hydrographer to His Majesty," has elaborated his work without amending his geography of Lake Superior; and he faithfully gives the old boundaries of the Province of Quebec, eleven years after they had been obliterated by the Quebec Act: an anachronism that might be thought unpardonable in any geographer, though he were not Hydrographer to the King.

The map in *Ellis's Voyage to Hudson's Bay*, published in London in 1748, placed the north shore of Lake Superior in 47° north latitude, eight and a half degrees north of its true position.

The map in Carver's *Travels through the Interior Parts of North America*, 1779, connects York River, as the Nelson River is called, with Bourbon Lake, which again is connected with and placed immediately north of Lake Ouinipique. The two lakes were probably intended to represent the southern and northern parts of Lake Winnipeg. This map contains a line of "Proposed Limits of Hudson's Bay," drawn from Cape Grimington (which is not so marked) on the Labrador coast to Lake Mistassin, and passing south of the south-eastern point of James' Bay, ends at or just above the most north-western point of the Lake of the Woods. By whom was this line of division "proposed?" We know that, as far west as Lake Mistassin, it is coincident with the line once proposed by the Hudson's Bay Company. By whom, if not by the Company, could the proposal have been made? There were, at this time, only the British Government and the Company by whom such a proposal could be made. The Government of Canada was a Governor and Council, whose policy was directed in England. If such a line had been proposed by either, it should be possible to obtain official information of the fact, but there is no reason to suppose it would be accessible in this country.

George Alexander Cooke's *Modern and Authentic System of Universal Geography*, an English work, published in the beginning of this century, describes Canada as being "situated between 45 and 52 degrees of north latitude, and 61° and 81° of west longitude." This is a singular mixture of truth and error. The line of 45°, on the south, is correct; that of 52° would give Canada a

part of James' Bay. There have been times when the Hudson's Bay Company offered to take less. There is no difficulty in understanding where the notion that 81° west longitude was the western boundary of Canada was derived: it was the belief that the proclamation of 1763 so placed it, and this geographer copied the old description thirty years after a new boundary had been established; a very common source of error, which shows the necessity of submitting all descriptions of this kind to a critical test before accepting them as correct. But, such is the carelessness which often marks the works of geographers, his own map places Lake Nipissing about a degree and a half east of where his description places it.

A map of the British Dominions in North America, in a work published in Dublin, in 1774, under the title of *A Complete History of the Late War*, contains a line which purports to give the "Bounds of Hudson's Bay by the Treaty of Utrecht." On this map the meridian lines are a degree and a quarter east of the true position; the north-westernmost corner of the Lake of the Woods being placed in $96^{\circ} 30'$, instead of $95^{\circ} 14' 38''$, as determined by the British and American commissioners under the Treaty of Ghent. It was necessary to state this fact, because we shall have to refer to these meridians as they are intersected by the alleged line of boundary. This line curves round on the south side of Lake Mistassin, immediately east of which it winds suddenly north to about $50^{\circ} 48'$ north latitude; then it returns southward and crosses the 50° , which is correctly laid down with reference to James' Bay, and continues south-west till it touches $47^{\circ} 22'$ at the point where the 78° meridian, on this map, is intersected; thence it continues due west about two degrees; from which point the 80th meridian ($81^{\circ} 30'$ true longitude); whence it takes a general course north-west till it reaches up to $50^{\circ} 47'$, in about $92^{\circ} 30'$ (true longitude $94^{\circ}*;$) whence it passes in a south-west direction the Lake of the Woods at the distance

* This is on the supposition that the assumed longitude of one place may be corrected by reference to the established longitude of another.

of about half a degree north of that lake. This line seems substantially to follow the dividing line of the two watersheds, though it crosses a river that runs into James' Bay more than a degree from its source; in compensation for which it crosses an imaginary river which forms a connecting link between Lake Nipigon and Lake Christineaux. The author of this map probably considered the height of land between the two watersheds to be the true dividing line of the Treaty of Utrecht; and fancied that that line of division passed north of the Lake of the Woods.

A line bearing a general resemblance to the above continued to appear on English maps till the end of the last century. A map "intended to illustrate the Travels of the Duke de la Rochefoucault Lioncourt, in America," in Neuman's translation of that work, published in London in the last year of the century, while having many of the general features of the above, is not identical with it. One noticeable deviation is, that it passes north instead of south of Lake Mistassin; it descends, at the meridian of 80° , to $48^{\circ} 20'$ latitude, its lowest point; whence it takes a north-west direction till it approaches the meridian of 95° in $50^{\circ} 30'$ latitude. It is a dotted line, like that of the southern boundary, but is not explained by any description.

A map in the *History of the American War*, published in Dublin, 1779, has a line to describe the "bounds of the Hudson's Bay Company by the Treaty of Utrecht." This line rises north of lat. 50° , near the meridian of 68° , and terminates on the west at 50° lat., north of the Lake of the Woods.

Emanuel Bowen was relied on as a geographical authority, in the trial of Reinhard. A very slight examination of his map, in *Burke's European Settlements in America*, will show that to rely on him as an authority would be blind and wilful self-deception. It does not connect Nelson River with any lake in the west, but gives, instead, an insignificant expansion near its western extremity, at about 102° west longitude, as here laid down, to represent its source. Lake Winnipeg has no representative. The Hayes River, which, in fact, connects with Lake Winnipeg, is made to stop short four or five degrees of the point

to which the Nelson is made to extend. Assemipoli Lake [is placed just above Lake Superior, and about six degrees south of Nelson River, Albany River running north-east of it. If Burke's censure of English geographers for copying servilely from the French did not fall on Bowen, the absence of plagiarism was replaced by a want of knowledge which must prevent Bowen from being regarded as an authority, except by those who are unable to detect or correct his blunders. Bouchette copied from one of his maps, published in 1775,* a line which pretended to denote the western boundary of Canada. Considering the low state of geographical knowledge, in England, regarding the northern part of North America, in the middle of the last century, there was some excuse for regarding Bowen as an authority then, but there was none for continuing so to regard him in 1818; and any one who should now quote his maps would give the strongest proof of his own entire unacquaintance with the subject.

Humboldt pointed out numerous errors of the geographers of New Spain, but none of them approached in grossness to many of the above. And to tell the truth, some pretentious French geographers were scarcely better informed. It may excite surprise that, after De Lisle had correctly placed the position of the north shore of Lake Superior, in 1703, any engineer of the French King, and hydrographer of the marine, should have been found, forty years later, to place it ten and a half degrees too far north. Yet if we consult the map in either edition of the *Nouvelle France* of Charleroi, we are confronted with this fact. But it is possible to possess considerable loose general geographical knowledge without having a knowledge of the position of places which may never have been determined. The author of this map takes us by a distinct line from Lake Superior to Lake Winnipeg; and with the latter lake he connects *Fleuve de l'Ouest*; at the west end of which he places the explanation: *Ici suivant le rapport des sauvages commence le flux et reflux*. The Indians, if they intended to speak of the Columbia as a

* The map we are here examining was published eighteen years earlier.

tidal river, explained ill what they knew little or nothing about, and were perhaps partly misunderstood ; the result of which was a very confused and hardly recognizable glimmering of truth, to be revealed by future adventurers. The Lake of the Woods is erroneously made to connect with Hudson's Bay, by Nelson River, which, under other names, is made to pass through two great lakes, to the north-east, on the way. But the geographer does not vouch for the existence of these lakes ; on the contrary, he awakens the reader's scepticism by assuring him that *l'existence de ces deux grands lacs est très incertaine*. They have, in fact, no existence. Scepticism was a merit where implicit belief would have been error. This King's engineer and hydrographer of the marine had not kept himself acquainted with the official documents from Canada which, from time to time, reported the progress of discovery in the north-west.

English writers on the geography of the northern part of North America have been greatly influenced by the Hudson's Bay Company. Their very desire to get at the truth would cause them to apply for information to those who were supposed in some measure to possess exclusive means of information, but who had a strong interest in giving currency to extravagant pretensions of their own. Mr. Montgomery Martin, writing in 1849, makes the Company a present of everything on the north as far as the Arctic Ocean : a pretence which it has itself never ventured to set up. This influence of the Company on geographical literature has much increased during the last century. Up to the date of the conquest of Canada there were English geographers who allowed New France to extend at some points too near the Arctic Circle ; and the error was reproduced by translation into other European languages.* On the ground of discovery and occupation of

* An English work translated into Italian, in the year in which Canada changed owners, describes New France as extending northward, at some points, to the 65° :—
“Canada o Nuova Francia, colonia nell' America settentrionale appartenante ai Francesi. Le frontiere di questo vasto paese sono dai Filosofi variamente fiffate, estendendole alcuni do tutta la Florida fino all' estremetià settentrionale di America, o fia dia 33. ai 65. gradi de lat. sett. benchè il Canada, propriamente detto, sia solamente una piccola Provincia di tutto questo tratto, situata a Mezzogiorno, e Levante del Fiume

contiguous territory, no nation could present a better claim than France to extend even to that latitude, above its discoveries on the Saskatchewan. Whether the writer be Jeffrey, or Montgomery Martin, or any other name that passes for authority, his loose and inaccurate statements are almost sure to furnish additional proof that no reliance can be placed on ordinary writers on geography, any more than on ordinary map-makers, in questions which affect the boundaries of contiguous British provinces or territories in North America. Geographical discoveries, occupation, treaties, executive and legislative acts, form the crucial test to which all pretensions of whatever kind must be brought.

I give two maps to show the state of geographical knowledge of the northern parts of North America, possessed respectively by the English and the French at the epoch of the Treaty of Utrecht; and a third showing the discoveries which France had made in the north-west at the epoch of the conquest of Canada.* This use

S. Lorenzo, ed a Levante della sua imboccatura. Altri lo fanno consinare a Tramontano con la Terra de Labrador, o Nuova Brettagna, a Levante col mar Settentrionale, e la Nuova Inghilterra ec. a Mezzogiorno con la Florida, et a Ponente col Nuovo Messico, e le parti Settentrionali di esso non conoscinte. In conseguenza di che si estenderebbe dia 25. ai 53. gradi di lat. sett. e dai 76. ai 93. di long. occ. Ma la sua maggior estensione si prende communement da Libeccio a Greco, cioè dalla Provincia di Padona nella Nuova Spagna, fino a Capo Charles vicino alla Baja di S. Lorenzo, che si computa circa a 900 leghe. Il Baron di la Hontan la sa solamente arrivare dia 39. ai 65 gradi di latitudine, cioè a dire dalla parte meridionale del lago Erio alla parte Settentrionale della Baja d'Hudson, ed in longitudine dal Fiume Mississippi a Capo Raze in Terra Nuova; ma è certo secondo le più recenti osservazioni pubblicate da M. Bellin, che la Provincia della Luisiana (secondo questo geografa Francesse) si dee estendere un gran numero di gradi più verso Ponente dal luogo dove scorre il Fiume soprareferito."— *Il Gazzettiere Americano, tradutto dall' Inglese, 1763.*

* I have selected De Lisle's map, because its author was beyond question the first geographer of his time, and because he produced by far the best map of Canada, at that period. Several foreign Sovereigns tried in vain to entice him to take up his residence in their capitals; and Peter the Great is said to have made a visit to Paris for that purpose. Hermon Moll, though not nearly so well informed a geographer, is officially described by Carteret, in licensing *Salmon's Modern History*, as "the most accurate and correct geographer of this age." His map is, therefore, a fair exposition of the knowledge which the best informed English geographer then possessed of the northern part of North America. The rude chart intended to illustrate the discoveries of M. de la Verandrye is evidently drawn by an unpractised hand, and must not be submitted to those critical tests which would properly be applied if the author were a

of maps will, I think, be found to be intelligible. I have not presumed to mark lines of boundary where none have been settled, or pretended to reproduce those drawn on maps used in the negotiation of treaties—maps which I have not seen, and the very existence of which at this time is doubtful—but have contented myself with giving the information on which, so far as I have been able to discover, the northern and western boundaries of Canada depend. I do not pretend to say that I have fully exhausted the subject: some of the materials necessary to an exhaustive treatment of it are to be found only in Europe.

Let us now briefly sum up the conclusions to which the facts passed in review point.

The rights of the English derived from discovery in Hudson's Bay were local, and may be regarded as having lapsed for want of being followed up by settlement. In this way the country became open to the enterprise of any nation that would take the trouble to seize it. Whether or not France took formal possession of the Bay, by an overland expedition, before the English went there as traders,—they had certainly preceded the French as maritime discoverers in this quarter,—under the guidance of two Frenchmen, cannot be of any consequence; since, if they did, their visit was not followed up by continuous occupation, and they, like the English, left the country vacant and open to the enterprise of any nation disposed to occupy and hold it against all comers.* From about the time of the formation of the Hudson's

professional geographer. It does not even show the full extent of the French discoveries in the North-West; but it attests the existence of French posts as far as Lake Winnipeg, and of discoveries farther west, and is so far official that it was sent by the Governor of Canada to the Marine Department ten years before the conquest. Two years before the date of this map the French discoveries had been pushed to the forks of the Saskatchewan. The date is probably that at which it was received at the Marine Department.

* "Where there is clear evidence of abandonment—where the discovery is not followed by preparations to occupy—a settlement may be made in opposition to a title of discovery. Where, also, the territory can be separated by any natural and distinct boundary, whether that of distance from prior settlements, or the physical facts of mountains or deserts, a settlement can be made in opposition to any previously made. . . . The great lakes to the west and north-west of the source of the

Bay Company, both England and France were eager to possess the Bay ; and the contests which they carried on for its possession continued with little abatement, and varying degrees of vigour, till, by the Treaty of Utrecht, France restored the Bay and Straits to England.

Twice, after its formation, the Hudson's Bay Company lost territory on the shores of the Bay ; territory in the possession of which France was confirmed by the British Crown : First, by the Treaty of Neutrality, and afterwards by the Treaty of Ryswick. England retrieved the loss at Utrecht ; but no new grant of the restored territory was made to the Company.

If the word "restoration" is to be taken in its strict sense, and if France could restore only what she had possessed around the Bay, it is certain that that would not imply any considerable distance from the shore. The map used by the negotiators of the treaty, and on which they marked two lines, the space between which was to be the only disputable ground, if it could be found, would throw much light on their intentions. It is presumable from the apologetic language of Prior, that these lines did not leave England any considerable extent of country round the Bay.

If the Treaty of Utrecht is to be regarded as giving England, in their full extent, the rivers that empty into Hudson's Bay, it is certain that France afterwards took possession of much of the country traversed by these rivers, and that England lost so much of her rights by abandonment, and neglect to reclaim them. In no case could the Hudson's Bay Company cross the height of land on the south. How far it did actually extend in that direction, at different points along the line, is a question involved in some obscurity. But there is no reason to believe that, along the greater part of the line, it had ever approached near the source of the two watersheds, in 1791. And several years after that date, all the territory now in dispute between Ontario and the

Mississippi had been discovered by the French, and formed part of the Province of Canada. . . . But 'a settlement' must be understood to mean the establishment of the laws or government of the persons making the settlement, with the consent and authority of the nation to which they belong."—FALCONER: *Discovery of the Mississippi*.

Dominion, up to the Lake of the Woods, and other territory north-west of that point, continued in the possession of the North-west Company, whose trading journeys, in 1797, Mr. Thompson distinctly states, "extended to within two or three days' march of the shores and factories of Hudson Bay."

Over the unknown North-west the French gradually spread themselves to the foot of the Rocky Mountains, without, so far as I have seen, any complaints of encroachment from the English. This North-west never came into possession of the English till after the French had vacated it in consequence of the conquest of Canada. The map used by the negotiators of the Treaty of Cession is said to prove that England received all that country either as part of Canada or one of its dependencies. And the first British subjects to occupy it were not of the Hudson's Bay Company.* In 1774, that Company had only extended from the north, as far south-west as lat. $53^{\circ} 56'$, long. $102^{\circ} 15'$, which is north of Lake Winnipegoes; and in that year the southern boundary of the Company's territory became the northern boundary of Canada. Governor Carleton's commission, issued that year, makes the Mississippi the western limit of his government to the source of that river; and a subsequent Commission, granted to him as Lord Dorchester, makes the northern boundary of Canada somewhere north of the north-west corner of the Lake of the Woods. The limits of Ontario, on the north and the west, are identical with those of the late Province of Upper Canada.

In 1791, a royal proclamation, founded on an Act of the Imperial Parliament, extended the bounds of Canada northward to the Hudson's Bay Company's territory, and westward to the utmost extent of country "commonly called or known by the name of Canada"—in other words, as far as it was previously known to extend.† The map drawn up to illustrate the discoveries of M.

* For an official recognition of the North-west Company, the instructions of Ross and Parry.

† Whatever the British Government may have known of the extent of the country, its knowledge of the geography of the North-west may be judged by the fact that it did not know whether a vessel, starting from the Pacific Ocean, could sail through the Rocky Mountains and reach the Lake of the Woods, as the instructions of Vancouver, this year, prove.

de la Verandrye extends Canada into the valley of the Saskatchewan ; the map used by the French to show the extent of the country when it was ceded by them, is said to have extended the country to north-west of the Mississippi ; and the commission of Lord Dorchester extends it north of the Lake of the Woods. I can see no reason why the Canada of 1791 should not be co-extensive with the Canada known to the French in the last years before the conquest, and ceded to the English ; and it must certainly extend as far as the limits recognized by the Commission of Lord Dorchester in 1786. Any abatement of the claim of Ontario indicated by these facts, points to a conventional line, which convenience or compromise may establish by mutual agreement.

PROOFS AND ILLUSTRATIONS.

TREATIES.

TREATY OF ST. GERMAIN, 1632.

Traité entre Louis XIII., Roi de France, et Charles I., Roi d'Angleterre, pour la restitution de la Nouvelle France, l'Acadie et le Canada, et des Navires et Marchandises pris de par et d'autre. Fait à St. Germain-en-Laye, le 29ème jour de Mars, 1632.

III. De la part de Sa Majesté de la Grande Brétagne, ledit Sieur Ambassadeur, (Sir Isaac Wake,) en vertu du pouvoir qu'il a, lequel sera à la fin des présentes, a promis et promet pour et au nom de Sadite Majesté, de rendre et restituer à Sa Majesté Très-Chrétienne, tous les lieux occupés en la Nouvelle France, l'Acadie et le Canada, par les sujets de Sa Majesté de la Grande Brétagne, iceux faire retirer desdits lieux. Et pour cet effet ledit Sieur Ambassadeur délivrera, lors de la passation et signature des présentes, aux commissaires du Roi Très-Chrétien, en bonne forme le Pouvoir qu'il a de Sa Majesté de la Grande Brétagne, pour la restitution desdits lieux, ensemble les commandements de Sadite Majesté, à tous ceux qui commandent dans le Fort-Royal, Fort de Québec et Cap Breton, pour être lesdites places et forts rendues et remis es mains de ceux qu'il plaira à Sa Majesté Très-Chrétienne ordonner, huit jours après lesdits commandements auront été notifiées à ceux qui commandent ou commanderont esdits lieux, ledit tems de huit jours leur étant donné pour retirer, cependant, hors desdits lieux, places et forts leurs armes, bagage, marchandises ou argent, ustensiles, et généralement tout ce qui leur appartient, auxquels et à tous ceux qui sont esdits lieux est donné le terme de trois semaines

après lesdits huit jours expirés, pour durant icelles, ou plutôt si faire se peut, retirer en leur navires avec leurs armes, munitions, bagages, &c., argent, ustensiles, marchandises, pelleteries, et généralement tout ce qui leur appartient, pour de la se retirer en Angleterre, sans séjourner davantage esdit païs. Et comme il est nécessaire que les Anglois envoient esdits lieux pour reprendre leur gens et les ramener en Angleterre, il est accordé que le général de Caën payera les frais nécessaires pour l'équipage d'un navire de deux cent ou deux cent cinquante tonneaux de port, que les Anglais enverront esdits lieux, à scavoir : le louage d'un navire d'allée et de retours, victuailles de gens, tant de marins pour la conduite du navire, que de ceux qui sont à terre, lesquels on doit ramener ; salaire d'iceux, et généralement tout ce qui est nécessaire pour l'équipage d'un navire dudit port pour un tel voyage, selon les usages et coutumes d'Angleterre ; et de plus, que pour les marchandises loyales et marchandises qui pourront rester es mains des Anglois non troqués, il leur donnera satisfaction esdits lieux selon qu'elles auront conté en Angleterre avec trente pour cent de profit, en considération des risques de la mer et port d'icelles payé par eux.*

* III. On the part of the King of Great Britain, the said ambassador, in virtue of the powers with which he is vested, and which shall be inserted at the end of these presents, has promised and promises in the name of his said Majesty to give up and restore (*rendre et restituer*) all the places occupied in New France, Acadia and Canada by the subjects of the King of Great Britain, by whom these places shall be restored ; and to this end the said ambassador shall deliver at the time of the signature of these presents to the commissioners of His Most Christian Majesty, in due form, the authority which he received from the King of Great Britain for the restitution of the said places, together with the orders of his said Majesty to all those who had command in Fort Royal, the Fort of Quebec and Cape Breton, for the restoration of the said places and forts given up into the hands of those whom it may please His Most Christian Majesty to appoint, eight days after these orders shall have been notified to those who command or may then command ; the said time of eight days being given to them to remove from those places and forts their arms, baggage, merchandize or money, utensils, and generally everything that belongs to them ; to whom and to all who are in the said places, the term of three weeks, after the expiration of the eight days, is given that they may during that time, or sooner if possible, retire to their vessels with their arms, munitions, baggage or money, utensils, merchandize, furs, and generally everything that belongs to them, for the purpose of going thence to England without remaining longer in this country. And as it is necessary for the English to send to those places to fetch their people and take them back to England, it is agreed that General de Caën

TREATY OF BREDÁ, 1667.

Art X. Le ci-devant nommé seigneur le Roi de la Grande Bretagne restituera aussi et rendra au ci-dessus nommé seigneur le Roi Très Chrétien on à ceux qui auront charge et mandement de sa part, scellés en bonne forme du grand sceau de France, le pays appelé l'Acadie, situé dans l'Amerique Septentrionale dont le Roi Très Chrétien a autrefois joui.* (Relates only to Nova Scotia.)

TREATY OF NIMEGUEN, 1678.

Articles of Peace between the Emperor and the French King, concluded and signed at Nimeguen, the 3rd of December, 1678 :

XXXII. Their Imperial and Most Christian Majestys, retaining a grateful sense of the offices and continual endeavours the Most Serene King of Great Britain hath used to restore a general peace and the public tranquillity, it is mutually agreed between the parties that he with his kingdom be included in this treaty, after the best and most effectual manner that may be.

Art. I. That there be a Christian, universal, true and sincere peace and friendship between their Imperial and Most Christian Majestys, their heirs and successors, kingdoms and provinces, as also between all and every the confederates of his said Imperial Majes-

shall pay the necessary expense of equipping a vessel of two hundred tons or two hundred and fifty tons burthen which the English shall send to those places ; that is to say, the cost of chartering a vessel for the passage to and fro, the provisions of the sailors who work the vessel as well as of those who being on land are to be taken away, the wages of the men, and generally all that is necessary for the equipage of a vessel of the said tonage for such a voyage, according to the usages and customs of England ; and besides for the merchandize remaining unsold in the hands of the English, satisfaction shall be given, according to the cost in England, with thirty per cent. of profit, in consideration of the risk of the sea and port charges.

* Art. X. The before mentioned seigneur, King of Great Britain, shall restore and give up to the above named seigneur, the Most Christian King, or to those who shall be charged and authorized on his part, sealed in proper form with the great seal of France, the country called Acadie situated in North America, of which the Most Christian King was previously in enjoyment.

Mr. Prior, in a letter to Lord Bolingbroke, dated Paris, March 25, 1713 :—" As to the original instrument of the Treaty of Breda, I may tell you that we never could find it, and consequently the Treaty of Ryswick, ratified as you have it in one of the offices, remains still in French."

ty, more particularly the electors, princes and states of the empire, comprehended in this peace, their heirs and successors on the one part, and all and every of the confederates of his said Most Christian Majesty, comprehended in this peace, their heirs and successors on the other ; which said peace and friendship shall be so sincerely observed and improved that each party shall promote the honour, advantage and interest of the other. And there shall be so perpetual an oblivion and amnesty of all hostilities committed on each side since the beginning of the present troubles, that neither party shall, upon that or any other account or pretence, give or cause to be given hereafter to the other any trouble, directly or indirectly, under colour of law or way of fact, within or without the empire, any formal agreement to the contrary notwithstanding ; but all and every the injuries, violences, hostilities, damages and charges sustained on each side by words, writing or deeds shall without respect of persons or things be so entirely abolished that whatsoever may upon that account be pretended against the other, shall be buried in perpetual oblivion.

TREATY OF NEUTRALITY.

Traité de neutralité conclu à Londres le 16ème Novembre, 1686, entre Louis XIV., Roi de France, et Jacques II., Roi d'Angleterre.

I. Il a esté conclu et accordé, que du jour du présent traité, il y aura entre la nation Française et la nation Angloise, une ferme paix, union, concorde, et bonne correspondence, tant sur mer que sur terre, dans l'Amérique Septentrionale et Méridionale, et dans les isles, colonies, forts et villes, sans aucune distinction de lieux, scises dans les états de Sa Majesté Très Chrétienne, et de Sa Majesté Britannique, et gouvernées par les commandants de leursdites Majestés respectivement.

II. Qu'aucuns vaisseaux ou bâtimens, grands ou petits, appartenant au sujets de Sa Majesté Très Chrétienne, ne seront équipés ni employez dans lesdites isles, colonies, forteresses, villes, et gou-

vernements des états de Sa Majesté pour attaquer les sujets de Sa Majesté Britannique, dans les isles, colonies, forteresses, villes, et gouvernements de Sadite Majesté, ou pour leur faire aucun tort ni dommage. Et pareillement qu'aucun vaisseaux ou bâtimens, grands ou petits, appartenant aux sujets de Sa Majesté Britannique, ne seront équipés ou employés dans les isles, colonies, forteresses, villes, et gouvernements de Sadite Majesté, pour attaquer les sujets de Sa Majesté Très Chrétienne dans les isles, colonies, forteresses, villes, et gouvernements de Sadite Majesté, ou pour leur faire aucun tort ni dommage.

III. Qu'aucuns soldats ou gens de guerre, ou autres personnes quelconques, qui habitent et demeurent dans lesdites isles, colonies, forteresses, villes, et gouvernements de Sa Majesté Très Chrétienne, ou qui y viennent d'Europe en garnison, n'exerceront aucun acte d'hostilité, et ne feront aucun tort ou dommage, directement ou indirectement, aux sujets de Sa Majesté Britannique dans lesdites isles, colonies, forteresses, villes et gouvernements de Sadite Majesté; et ne prêteront ni donneront aucun aide ou secours d'hommes ou de vivres aux sauvages contre qui Sa Majesté Britannique aura la guerre. Et pareillement qu'aucuns soldats ou gens de guerre, ou autres personnes quelconques, qui habitent et demeurent dans lesdites isles, colonies, forteresses, villes, et gouvernements de Sa Majesté Britannique, ou qui y viennent d'Europe en garnison, n'exerceront aucun acte d'hostilité, et ne feront tort ou dommage aux sujets de Sa Majesté Très Chrétienne dans lesdites isles, colonies, forteresses, villes, et gouvernements de Sa Majesté; et ne prêteront, ne donneront aucune aide ou secours d'hommes ou de vivres aux sauvages avec qui Sa Majesté Très Chrétienne aura guerre.

IV. Il a été convenu que chacun desdits Rois aura et tiendra les domaines, droits et prééminences dans les mers, détroits, et autres eaux de l'Amérique, et avec la même étendue qui leur appartient de droit, et en la même manière qu'ils jouissent à présent. * * * * *

XI. Que les commandants, officiers, sujets de l'un des deux Rois, ne troubleront ni molesteront les sujets de l'autre Roi dans l'établissement de leur colonies respectivement, ou dans leur commerce et navigation.

XII. Et afin de pourvoir plus pleinement à la sécurité des sujets, tant de Sa Majesté Très Chrétienne, que de Sa Majesté Britannique, et à ce que les vaisseaux de guerre, ou autres vaisseaux armés en guerre par des particuliers, ne leur fassent aucun tort ni dommage, il sera défendu à tous les capitaines de vaisseaux, tant de Sa Majesté Très Chrétienne, que de Sa Majesté Britannique, et à tous leurs sujets qui équiperont des vaisseaux à leurs dépens ; comme aussi aux privilégiés et aux compagnies, de faire aucun tort ou dommage à ceux de l'autre nation, sous peine d'être punis en cas de contravention, et de plus d'être tenus à tous dommages et intérêts, à quoi ils pourront être contraints, tant par saisie de leur biens que par emprisonnement de leur personnes.

By Art. XIII. All captains of war vessels, armed at the expense of private persons, were hereafter to give bonds in the sum of £1,000 stg., or 13,000 livres, and when the number of men is more than 150, in £2,000 stg., or 26,000 livres, that they would make good all damages which they or their officers might cause in the course of their navigation against the present treaty.

By Art. XIV. The governors and officers of the two Kings were to discountenance all pirates ; not to giving them any aid nor allowing them to take shelter in their ports respectively ; et qu'il sera expressément ordonné auxdits gouverneurs et officiers de punir comme pirates tous ceux qui se trouveront avoir armé un ou plusieurs vaisseaux en course, sans commission et autorité légitime.

XV. Made the taking, by the subject of either King, of any commission in the army of a sovereign at war with the other piracy.

XVII. If disputes arise between the subjects of the two Crowns in the isles, colonies, ports, towns and governments under their dominion, they are not to be allowed to interrupt the peace, but are to be decided by those having authority on the spot, and in case they cannot decide them, they are to remit them at once to the two Crowns, to be settled by their Majesties.

XVIII. De plus, il a esté conclu et accordé, que si jamais, ce qu'à Dieu ne plaise, il arrive quelque rupture en Europe entre lesdites Couronnes, les garnisons, gens de guerre, ou sujets quelconques de Sa Majesté Très Chrétienne, estant dans les isles, colonies, forts,

villes, et gouvernements qui sont à présent ou seront ci-après sous la domination de Sa Majesté dans l'Amérique, n'exerceront aucun acte d'hostilité par mer ni par terre, contre les sujets de Sa Majesté Britannique qui habiteront dans quelques colonies que ce soit de l'Amérique, ou y demeureront. Et réciproquement, audit cas de rupture en Europe, les garnisons, gens de guerre, ou sujets quelconques de Sa Majesté Britannique, estans dans les isles, colonies, forts, villes, et gouvernements qui sont à présent ou seront ci-après sous la domination de Sa Majesté Britannique en Amérique, n'exerceront aucun acte d'hostilité, ni par mer ni par terre, contre les sujets de Sa Majesté Très Chrétienne, qui habiteront dans quelques colonies que ce soit de l'Amérique, ou y demeureront. Mais il y aura toujours une véritable et ferme paix et neutralité entre lesdits peuples de France et de la Grande Brétagne, tout de même que si ladite rupture n'était point arrivé en Europe.*

* *Treaty of Neutrality concluded at London, the 16th November, 1686, between Louis XIV., King of France, and James II., King of England.*

I. It has been concluded and agreed that from the day of the present Treaty there shall be between the English and the French nations a firm peace, union, concord, and good correspondence as well by sea as land in North and South America, and in the isles, colonies, forts and towns, without exception, in the territories of his Most Christian Majesty, and governed by the Commandants of their said Majesties respectively.

II. That no vessel or boat, large or small, belonging to the subjects of his Most Christian Majesty shall be equipped or employed in the said isles, colonies, fortresses, towns and governments of his said Majesty, for the purpose of attacking the subjects of his Britannic Majesty, in the isles, colonies, fortresses, towns and governments of his said Majesty, or doing there any harm or damage. And in this manner, likewise, that no vessel or boat, great or small, belonging to the subjects of his Britannic Majesty shall be equipped or employed in the isles, colonies, fortresses, town and governments of his said Majesty, for the purpose of attacking the subjects of his most Christian Majesty in the isles, colonies, fortresses, towns and governments of his said Majesty, or to do them any injury or damage.

III. That no soldier or person wearing arms or any other person whatsoever residing or living in the said isles, towns, or governments of his Most Christian Majesty, or who has come from European garrison, shall exercise any act of hostility, or do any injury or damage, directly or indirectly, to the subjects of his Britannic Majesty in the said isles, colonies, fortresses, towns and governments of his said Majesty; or lend or give any aid or assistance in men or provisions to savages against whom his Britannic Majesty shall be at war. And in like manner, no soldier or armed person, or any other person whatever, residing or being in the said isles, colonies, fortresses, towns and governments of his said Britannic Majesty, or who having come from Europe in garrison, shall exercise any act of hostility or do any injury or damage to subjects

[XIX. This treaty not to derogate from the Treaty of Breda, July, 1667, all the articles of which are to remain in force and vigour and be observed.]

PROVISIONAL TREATY CONCERNING AMERICA, 1687.

Traité provisionnel concernant l'Amérique, entre le Roi de France et le Roi d'Angleterre, conclu à Whitehall, le 1-11 Décembre, 1687—Between Louis XIV. and James II., M. Paul Barillon, Councillor of State and French Ambassador, M. François Dusson de Bonrepans, were the Commissaires for France, and Counts Sunderland and Middleton and Sidney, Lord of Godolphin, were appointed on behalf of Great Britain, pour l'exécution du traité conclu le 6-16 Novembre, 1686, pour régler et terminer toutes les contestations et differends qui sont survenus, ou qui peuvent survenir entre les sujets des deux Couronnes en Amérique, comme

of his Most Christian Majesty in the said isles, colonies, fortresses, towns and governments of his Majesty; or lend or give any aid or assistance, in men or provisions, to savages with whom his Most Christian Majesty shall be at war.

IV. It has been agreed that each of the said kings shall have and hold the domains, rights, and pre-eminences in the seas, straits, and other waters of America, and in the same extent which of right belongs to them and in the same way they enjoy them at present.

V. And therefore the subjects, inhabitants, merchants, commanders of ships, masters and mariners of the kingdoms, provinces and dominions of each king respectively shall abstain and forbear to trade and fish in all the places possessed, or which shall be possessed by one or the other party in America, viz.: the King of Great Britain's subjects shall not drive their trade and commerce, nor fish in the harbours, bays, creeks, roads, shoals or places which the Most Christian King holds or shall hereafter hold in America: And in like manner, the Most Christian King's subjects shall not drive their commerce and trade, nor fish in the waters, bays, creeks, roads, shoals or places which the King of Great Britain possesses or shall hereafter possess in America. And if any ship or vessel shall be found trading or fishing contrary to the tenure of this Treaty, the said ship or vessel, with its lading, proof being given thereof, shall be confiscated; nevertheless, the party who shall find himself aggrieved by such sentence or confiscation, shall have liberty to apply himself to the Privy Council of the King, by whose governors or judges the sentence has been given against him. But it is always to be understood that the liberty of navigation ought in no manner to be disturbed, where nothing is committed against the genuine sense of this Treaty.

* * * * * * *

XI. The commandants, officers, subjects of one and the other of the two kings, shall not molest the subjects of the other king in the establishment of their colonies respectively, or in their commerce and navigation.

aussi pour fixer les bornes et limites des colonies, isles, terres et pays qui sont sous la domination des deux Rois en l'Amérique et gouvernés par leur commandants, ou qui sont de leur dépendances ; nous, commissaires susdits, en vertu des pouvoirs qui nous ont été donnés par lesdits Rois nos maîtres, promettons, convenons et stipulons en leur nom, par le présent traité que jusques au 11 de Janvier de l'année 1689, nouveau style, et après ce temps-là jusqu'à ce que lesdits Sérénissimes Rois donnent sur celà quelques nouveaux ordres exprès et par écrit, il est absolument défendu à toutes personnes et aux commandants ou gouverneurs des colonies, isles, terres et pays qui sont sous la domination des deux Rois dans l'Amérique, d'exercer aucun acte d'hostilité contre les sujets de l'un desdits Rois, ou de les attaquer ; et les commandants ou gouverneurs ne souffriront pas, sous quelque prétexte que ce soit, qu'il leur soit fait aucune violence ; et en cas de contrevention de la part desdits gouverneurs, il seront punis et obligés en leur propre et privé nom, à la réparation du dommage qui aura été causé par une

XII. For the greater security of the subjects of his Most Christian Majesty as well as those of his Britannic Majesty, and to prevent vessels of war or other vessels owned by private persons doing any injury or damage, all captains of vessels, as well of his Most Christian Majesty as those of his Britannic Majesty, and all their subjects who equip vessels at their own expense, also persons in the enjoyment of privileges and companies, shall be forbidden to do any injury or damage to those of the other nation, on pain of being punished in case of contravention, and be liable for all damages, either by the seizure of their goods or the imprisonment of their persons.

XVIII.—Further, it has been concluded and agreed that if ever, which God forbid, any rupture should take place in Europe between the said Crowns, the garrison, armed forces, or subjects of whatever condition of his Most Christian Majesty, being in the isles, colonies, forts, towns and governments which are at present, or may hereafter be, under the dominion of his said Majesty in America, shall not exercise any act of hostility by sea or land against the subjects of His Britannic Majesty, inhabitants of any of the colonies of America. And in like manner, in case of a rupture in Europe, the garrison, armed force, or subjects of whatever condition of His Britannic Majesty, being in the isles, colonies, forts, towns and governments which are at present, or may hereafter be, under the dominion of His Britannic Majesty in America, shall not exercise any act of hostility, either by sea or land, against the subjects of His Most Christian Majesty inhabiting any colony whatever in America. But there shall always be a firm peace and neutrality between the said peoples of France and of Great Britain, just as if no such rupture had taken place.

* * * * *
XIX.—This Treaty not to derogate from the Treaty of Breda, July, 1667, all the articles of which are to remain in force and vigour and be observed.

telle contravention ; ce qui aura lieu aussi à l'égard de tous autres contreventions, et la présente convention aura son plein et entier effet en la meilleure manière que ce puisse être ; nous sommes convenus, en outre, que lesdits Sérénissimes Rois enverront au plutôt les ordres nécessaires à cet égard à leurs commandants en l'Amérique, et qu'il en sera remis réciproquement de part et d'autre des exemplaires authentiques.

(Signé,)	BARILLON D'AMONCOURT.
"	DUSSON DE BONREPANS.
"	Comes de SUNDERLAND.
"	Comes de MIDDLETON.
"	GODOLPHIN.*

* Provisional Treaty concerning America, between the King of France and the King of England, concluded at Whitehall, December 11, 1687 [Louis XIV. and James II.] M. Paul Barillon, Councillor of State and French Ambassador, M. François Dussion de Bonrepans, were the Commissaires for France, and Counts Sunderland and Middleton, and Lord of Godolphin, were appointed on behalf of Great Britain, to execute the treaty concluded on the 6-16 November, to settle and terminate all the differences which have arisen between the subjects of the two Crowns, in America, as well as to fix the bounds and limits of the colonies, isles, lands, and countries which are under the dominion of the two Kings in America and governed by their commandants, or which are of their dependencies ; we, the undersigned Commissioners, in virtue of the powers which we have received from the said Kings, our Masters, promise, agree and stipulate in their name, by the present treaty, that, up to the 11th January of the year 1689, new style, and after that time until the said Most Serene Kings give some new and express order in writing, all persons and governors and commanders of the colonies, isles, lands and countries whatsoever under the dominion of the two Kings in America, are absolutely forbidden to commit any act of hostility against the subjects of the said Kings, or to attack them ; and the Governors and Commandants are not to suffer, under any pretext whatever, that they shall do any violence ; and in case of contravention on the part of the said Governors, they shall be punished, and obliged, in their own private names, to make restitution for the damage which may have been done by such contravention ; and the same shall be done in the case of all other contraventions ; and the present convention shall have full and entire effect in the best manner possible. We have, besides, agreed that the said Most Serene Kings shall as soon as possible send the necessary orders to their commandants in America, and that each shall send to the other authentic copies of the same.

(Signed)	BARILLON D'AMONCOURT.
	DUSSON DE BONREPANS.
	SUNDERLAND.
	MIDDLETON.
	GODOLPHIN.

THE TREATY OF RYSWICK, 1697.

(From the Copy published in England by Authority in 1697.)

VII. The Most Christian King shall restore to the said King of Great Britain all countries, islands, forts and colonies, wheresoever situated, which the English did possess before the declaration of this present war. And in like manner the King of Great Britain shall restore to the Most Christian King all countries, islands, forts and colonies, wheresoever situated, which the French did possess before the declaration of war; and this restitution shall be made on both sides within the space of six months or sooner, if it can be done. And to that end, immediately after the ratification of this Treaty, each of the said Kings shall deliver or cause to be delivered to the other, or to commissioners authorized in his name for that purpose, all acts of concession, instruments and necessary orders duly made and in proper form, so that they may have their effect.

VIII. Commissioners shall be appointed on both sides to examine and determine the rights and pretensions which either of the said Kings hath to the places situated in Hudson's Bay; but the possession of those places which were taken by the French, during the peace that preceded this present war, and were retaken by the English during this war, shall be left to the French by virtue of the foregoing articles. The capitulation made by the English on the 5th September, 1695, shall be observed according to its form and tenor, the merchandizes therein mentioned shall be restored; the Governor at the Fort taken there shall be set at liberty, if it be not already done; the differences which have arisen concerning the execution of the said capitulation and the value of the goods there lost, shall be adjudicated and determined by the said commissioners: who, immediately after the ratification of the present Treaty, shall be invested with sufficient authority for the settling of the limits and confines of the lands to be restored on either side by virtue of the foregoing article, and likewise for exchanging of lands, as may conduce to the mutual interest and advantage of both Kings.

THE TREATY OF AIX LA CHAPELLE, 1748.

(From the Copy published by Authority in 1749.)

Art. V. All the conquests that have been made since the commencement of the present war, or which, since the conclusion of the preliminary articles, signed the 30th April last, may have been or shall be made, either in Europe, or the East and West Indies, or in any other part of the world whatsoever, being to be restored without exception, in conformity to what was stipulated by the said preliminary articles, and by the declarations since signed, the high contracting parties engage to give orders immediately for proceeding to the restitution, as well as to the putting the most serene Infant Don Philip in possession of the States, which are to be yielded to him by virtue of the said preliminaries, the said parties solemnly renouncing, as well for themselves as their heirs and successors, all rights and claims, by what title or pretence soever, to all the states, countries, and places that they respectively engage to restore or yield; saving, however, the reversion stipulated of the States yielded to the most serene Infant Don Philip.

THE TREATY OF 1763.

The definitive Treaty of Friendship and Peace between his Britannic Majesty, the most Christian King, and the King of Spain, concluded at Paris the 10th day of Feb., 1763. To which the King of Portugal acceded on the same day.

Art. II. The Treaties of Westphalia of 1648; those of Madrid between the Crowns of Great Britain and Spain of 1667 and 1670: the Treaties of Peace of Nimeguen of 1678 and 1679; of Ryswick of 1697; those of Peace and Commerce of Utrecht of 1713; that of Baden 1714; the Treaty of the Triple Alliance of the Hague of 1717; that of the Quadruple Alliance of London of 1718; the Treaty of Peace of Vienna of 1738; the definitive Treaty of Aix La Chapelle of 1748; and that of Madrid, between the Crowns of Great Britain and Spain of 1750; as well as the Treaties between the Crowns of Spain and Portugal of the 13th

of February, 1668 ; of the 6th of February, 1715 ; and on the 12th of February, 1761 ; and that of the 11th of April, 1713 ; between France and Portugal, with the Guarantees of Great Britain, serve as a basis and foundation to the peace and the present Treaty ; and for this purpose, they are all renewed and confirmed in the best form, as well as all the Treaties in general, which subsisted between the high contracting parties before the war, as if they were inserted here word for word, so that they are to be exactly observed for the future, in their whole tenor, and religiously executed on all sides, in all their points which shall not be derogated from by the present Treaty, notwithstanding all that may have been stipulated to the contrary by any of the high contracting parties : and all the said parties declare, that they will not suffer any privilege, favour or indulgence, to subsist, contrary to the Treaties above confirmed, except what shall have been agreed and stipulated by the present Treaty.

Art. VII. In order to re-establish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the Continent of America, it is agreed, that, for the future, the confines between the dominions of his Britannic Majesty and those of his Most Christian Majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea ; and for this purpose the Most Christian King cedes in full right, and guarantees to his Britannic Majesty the river and port of the Mobile, and everything which he possesses, or ought to possess, on the left side of the Mississippi, except the town of New Orleans, and the Island in which it is situated, which shall remain to France ; provided that the navigation of the Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth.

RIGHTS DERIVED FROM DISCOVERY.

M. de Calliers to M. de Seignelay.* (This memoir is without date, but it appears to have been written in 1687.)

"The third pretension of the English is to drive the French from Hudson's Bay, the whole of which country they claim as their property. And, in consequence of this pretension, they despatched some vessels last year to that Bay, which carried off several Frenchmen, whom a Company, formed at Quebec, settled at a place called the River Bourbon, and conveyed them to London, with the beaver and other peltries belonging to the said French Company, amounting to the value of nearly two hundred thousand livres. * * *

"As regards Hudson's Bay, the French settled there in 1656, by virtue of an *arrêt* of the Sovereign Council of Quebec, authorizing Sieur Bourdon, its Attorney-General, to make the discovery thereof, who went north to the said Bay, and took possession thereof in His Majesty's name.

"In 1661, Father Dablon, a Jesuit, was ordered by Sieur d'Argenson, at the time Governor of Canada, to proceed to said country. He went thither accordingly, and the Indians, who then came from thence to Quebec, declared they had never seen any Europeans there.

"In 1663, Sieur d'Avaugour, Governor of Canada, sent Sieur Couture, Seneshal of the Côte de Beaupré, to the north of the said Hudson's Bay, in company with a number of Indians of that country, with whom he went to take possession thereof, and he set up the King's arms there.

"In the year 1663, Sieur Duquet, King's Attorney to the *Prevôté* of Quebec, and Jean l'Anglois, a Canadian colonist, went thither again by order of the said Sieur d'Argenson, and renewed the act of taking possession by setting up his Majesty's arms there a second time. This is proved by the *arrêt* of the said Sovereign Council of Quebec, and by orders in writing of said Sieurs d'Argenson and d'Avaugour.

* A veteran who had served twenty years in the French armies.

"The English allege that the north coast of Hudson's Bay, where the French established themselves, has been discovered by Chevalier Button, an Englishman, as early as 1621.* But we answer that he made no record there of taking possession, and that they did not have any settlement there before the year 1667, when the Frenchmen named des Grozelliars and Raddisson conducted the English thither to a place they called Nelson's River; and in 1676 the said des Grozelliars and Raddisson, having returned from England, and having obtained pardon for their defection, a company was formed at Quebec who sent them to Hudson's Bay, where they founded a settlement north of the said Bay on the River Bourbon, which is the one the English seized last year, in consequence of a new treachery on the part of said Raddisson, who re-entered their service and conducted them thither. Meanwhile, the company formed at Quebec sent two ships to the said Bay last year, under the impression that they would find their people, with a quantity of peltries, at the settlement on the River Bourbon, of right belonging to them, where the company is in a condition to maintain itself if protected by His Majesty."†

SHOULD THE OBJECT OF VOYAGES BE TAKEN INTO ACCOUNT?

On doit distinguer les navigations qui ont été dirigées vers le continent de l'Amerique Septentrionale, sous dessein d'y faire des plantations et d'y établir des colonies, d'avec celles qui ont été entreprises dans cette vue; et parmi ces dernières, celles qui se sont bornées à de simple tentatives infructueuses, d'avec celles qui ont été suivies d'établissements solides, actuellement subsistants, ou qui subsisteroient, si quelque puissance Européene ne les avoit détruits. *Mémoire des Commissaires François, du Octobre, 1751, en réponse aux Mémoires des Commissaires de sa Majesté Britannique, des 21 Sept. 1750 et 11 Janvier, 1751.*‡

* This should be 1612; that being the year of Button's discovery.

† Whenever I give translations only of French documents, I have not had the advantage of perusing the originals.

‡ A distinction ought to be made between the voyages that have been directed towards the continent of North America, with the design of making plantations and establishing colonies, and those which have been undertaken with this view; and

In opposition to this we have the following

Memorial presented by His Majesty's Commissaires to the Commissaires of His Most Christian Majesty, in reply to their Memorial of the 4th October, 1751, concerning Nova Scotia or Acadia.

"The French Commissaires, in the two first articles of their Memorial, have given an historical summary account of the first voyages made by the English and French for the discovery and settlement of North America, to which, and to the arguments drawn from it, it would be sufficient to answer in general, that the question now in discussion is not which nation has the right to Acadia or Nova Scotia, but what were the ancient limits of that country; that several treaties between the two Crowns have long since interposed to determine upon, and indeed annul, any claim from the earliest discovery or settlement, and that very little information can be reasonably expected for deciding what were the ancient boundaries of this country from the proceedings of those who first discovered it, or the relations of their voyages, it being well known how indistinctly first discoveries of all countries have been made (every pilot or admiral taking possession of a vast tract of a country he never saw, upon the pretence of having landed in a part of it), and in how very imperfect and suspicious a manner the relations of those voyages have come down to us." [To correct the mistakes and show that they do not acquiesce in the claim of precedency set up by the French Commissaires, the English Commissioners consent to enter into this matter, and for this purpose only.] "To enter more minutely," they say, "than this into the examination of the history contained in these articles, would be to depart from the proper subject before us, to assist in a certain degree towards changing the real object of the present

among the latter, those which were confined to simple attempts which proved unproductive, with those which have been followed by the formation of solid establishments, actually existing, or which would have subsisted if some European power had not destroyed them.—*Memoir of the French Commissioners, Oct. 4, 1751, in reply to the Memoirs of the Commissioners of His Britannic Majesty of the 21st Sept. 1750 and the 11th January, 1751.*

enquiry, and in part to rest the decision of it upon insufficient evidence and improper enquiry.

“As to the distinction, in such national discussions, of rights founded upon earliest discovery, was there ever any further enquiry made than which was the earliest discovery; and such discovery once proved, was it ever afterwards examined whether it was made accidentally in the course of another undertaking, or whether the ships were originally destined for that particular design, or if the single object of the voyage was the settling a plantation on that particular coast? Surely this way of reasoning is entirely new, nor has any nation ever yet suffered a title founded upon earliest discovery to be arraigned upon such a subtle but groundless distinction. As to the particulars brought in support of it, such of them as would be of any weight if they were true, are mistakes, and such as are true signify nothing. It would be some argument to shew this voyage was the adventure of Cabot, not made on the part of Henry VII., if all the ships which sailed under Cabot's command had been defrayed at his expense, and been his property; but it appears from the best authority, that besides the ships he bought by the King's permission, several others accompanied him, fitted out by private merchants, subjects of Great Britain, who became parties to the undertaking. It would also be a circumstance very favourable to the interpretation the French Commissaires put upon this voyage, if Henry VII. had not in his Letters Patent inserted a word by which he reserves to himself and to his crown, dominion and royalty in all the lands which shall be discovered or settled by Cabot; but it is expressly there said, that Cabot and his heirs shall hold all such lands as he shall discover and settle, as vassals of the Crown, though the immediate profit of the voyage, and various exemptions in holding what lands shall be discovered, are granted to Cabot and his heirs as rewards for their industry, and a recompense for their expense. These two objections, therefore, which if they were well grounded would have some weight, are founded upon circumstances which are not true.”

ALLEGED DISCOVERY OF HUDSON'S BAY BY THE DANES.

"Les Danois prétendent que cette Baye étoit déjà découverte par un homme de leur nation, et qu'on la nomma *Christiania* du nom de Christian IV., Roi de Dannemarc. Ils dissent que les Danois ayant passé le Détroit, continuant toujours vers le nord, abordèrent enfin la terre ferme à une rivière qu'on a nommée la *Rivière Danoise*, et que les Sauvages appellent *Monoteousiki*, qui signifie Rivière des Etrangers. . . . , Qu'ils perirent tous durant cet hiver."*—*Introduction à l'Histoire de l'Asie, de l'Afrique et de l'Amerique. Par M. Bruzen La Martinière. T. II., pp. 409-10.*

The Marquis de Denonville, Feb. 12, 1668, appointed le Sieur de Trois (*sic*) to go in search of the most advantageous posts and occupy the shores of the Baie du Nord and the embouchures of the rivers that enter therein, "retrancher et fortifier les dits postes, de saisir les robeurs, coureurs des bois et autres que nous savons avoir pris et arrêté plusieurs de nos Français commercants avec les sauvages, lesquels nous lui ordonnons d'arrêter, nommement le dit Radisson et autres ses adherents, en quelque lieu qu'il les puisse joindre ; lesquels il nous amènera comme déserteurs pour être punis suivant la rigueur des ordonnances."†

* The Danes pretend that this Bay had already been discovered by one of their nation, to whom the name of *Christiania*, after Christian IV., King of Denmark, was given. They say that the Danes having passed the strait, continued their voyage towards the north, and finally reached the mainland at the mouth of the river, which they called the Danish river, and which the Indians called *Monoteousiki*, which signifies the strangers' river. . . . They all perished during the winter.—*Introduction à l'Histoire de l'Asie, de l'Afrique et de l'Amerique. Par M. Bruzen La Martinière. T. II., pp. 409-10.*

† The Marquis de Denonville, Feb. 12, 1668, appointed le Sieur de Trois (*sic*) to go in search of the most advantageous posts, and occupy the shores of the Baie du Nord and the embouchures of the rivers that enter therein, to entrench and fortify the said posts, to seize the robbers, coureurs des bois and others whom we know to have taken and arrested several of our French engaged in the Indian trade, whom we order him to arrest, especially the said Radisson and his adherents, wherever they may be found, and bring them to be punished as deserters, according to the rigour of the ordinances.

*Memoir of the King, to serve as instructions to Sieur Talon, proceeding to N. France as Intendant of Justice, Police and Finance, March 27, 1665.**

Memoir by M. Talon to M. Colbert, Quebec, Nov. 10, 1670.

"I learn by the return of the Algonquins, who will winter this year near Tadoussac, that two European vessels have been seen very near Hudson's Bay, where they wigwam (*cabanet*), as the Indians express it. After reflecting on all the nations that might have penetrated as far north as that, I can only light on the English, who, under the guidance of a man named Des Grozeliers, formerly an inhabitant of Canada, might possibly have attempted that navigation, of itself not much known and not less dangerous. I intend despatching thither, overland, some man of resolution to invite the Kilistions, who are in great numbers in the vicinity of the Bay, to come down to see us, as the Ottawas do, in order that we may have the first pick of what the latter savages bring us, who, acting as pedlars between those two nations and us, make us pay a roundabout of three or four prices."

M. TALON TO THE KING.—MEMOIR ON THE STATE OF CANADA.

Quebec, Nov. 2, 1671.

"Three months ago I despatched with Father Albonel, a Jesuit, Sieur de St. Simon, a young Canadian gentleman recently honoured by His Majesty with that title. They were to penetrate as far as Hudson's Bay, draw up a memoir of all they will discover, drive a trade in furs with the Indians, and especially reconnoitre whether there will be any means of wintering ships in that quarter, in order to establish a factory that might, when necessary, supply provisions to the vessels that will possibly hereafter discover, by that channel, the communication between the two seas—the north and the south. Since their departure I have

* O'Callogan in a note says: "Sieur Bourdon . . . was sent ten years afterwards overland to Hudson's Bay to take possession of the country for France, in 1646."—*Paris Doc.* Vol. ix., p. 24.

received letters from them three times. The last, brought from one hundred leagues from here, informs me that the Indians whom they met on the way have assured them that two English vessels and three barks have wintered in the neighbourhood of the Bay, and made a vast collection of beavers there. If my letters, in reply, are safely delivered to the said Father, this establishment will be thoroughly examined, and His Majesty will have full information about it. As all these countries were long ago (*anciennement*) originally discovered by the French, I have commissioned the said Sieur de St. Simon to take renewed possession, in His Majesty's name, with orders to set up the escutcheon of France, with which he is intrusted, and to draw up a procès-verbal in the form I have furnished him.

"It is proposed to me to despatch a bark of sixty tons hence to Hudson's Bay, whereby it is expected that something will be discovered of the communication between the two seas. If the adventurers who form this design subject the King to no expense, I shall give them hopes of some mark of honour if they succeed, besides indemnifying themselves from the fur trade which they will carry on with the Indians."

JOLLIET'S VOYAGE TO HUDSON'S BAY.

Count de Frontenac, 6th, 8th and 9th Nov., 1679.

"[I] send the narrative and map of the voyage Sieur Jolliet has made to Hudson's Bay, which the farmers of the revenue have demanded of him. The relation is dated 27th of October, 1679, and signed Jolliet."

RADISSON'S VOYAGE TO HUDSON'S BAY.

M. de Frontenac, 2nd Nov., 1681.

"Sieur Radisson, who is married in England, had returned to Canada from the Islands, where he had served under Marshal D'Estrées. He had applied to him for permission to go in a vessel belonging to Sieur de la Chesnay, to form establishments along the coasts leading towards Hudson's Bay."

Du Chesneau's Memoir on the Western Indians,
13th November, 1681.

"They (the English) are still at Hudson's Bay, on the north, and do great damage to our fur trade. The farmers (of the revenue) suffer in consequence by the diminution of the trade at Tadoussac, and throughout that entire country, because the English draw off the Ottawa nations; for the one and the other design, they have two forts on the said Bay—the one towards Tadoussac, and the other at Cape Henriette Marie, on the side of the Assinibonetz.

"The sole means to prevent them succeeding in what is prejudicial to us in this regard, would be to drive them by main force from that Bay, which belongs to us; or if there would be an objection to coming to that extremity, to construct forts on the rivers falling into the lakes, in order to stop the Indians at these points.

"Should the King adopt the resolution to arrange with the Duke of York for his possessions in this quarter, in which case Boston could not resist, the only fear would be that this country might go to ruin, the French being naturally inconstant and fond of novelty.

"But as this could be remedied by rigorous prohibitions, that consideration ought not to prevail over the great benefit which would accrue, and the great advantages His Majesty and his subjects must eventually derive from the transaction."

[It is to be noted that the Indians, as shown above, carried their furs immense distances, and the H. B. Co. would have no reason to extend into the country.]

Du Chesneau, Nov. 13, 1681.

"The Ambassador of the King of England, at Paris, complained that the man named Radisson and other Frenchmen having gone with two barks, called *Le St. Pierre* and *La Ste. Anne*, into the river and port of Nelson, in 1682, seized a fort and some property of which the English had been in possession for several years.

"Radisson and Des Grozelliars maintain that those allegations are not true; but that having found a spot on the River Nelson adapted to their trade, they took possession of it in the King's name, in the month of August, 1682, and had commenced building a fort and some houses there.

"That on the 14th September following, having heard cannon, they went out to examine, and on the 26th found some beginning of houses on an island, and a vessel aground near the coast.

"That these houses had been begun since they entered the river and had set about working at their fort and building, and, therefore, that they were the first occupants.

"That, since then, each having wished to maintain his establishment, the French were become the masters.

"That the ice and weather having caused the destruction of an English ship, some men belonging to it had died; but that they had, on their part, treated them with great moderation and kindness, and rendered every assistance to the English, who appeared satisfied."

MOVEMENTS OF THE ENGLISH IN THE NORTH.

M. de la Barre, Quebec, Nov. 12, 1682.

"As to what relates to Hudson's Bay, the company in old England advanced some small houses along a river which leads from Lake Superior. As possession was taken of this country several years ago, he will put an end to this disorder, and report next year the success of his design."

LOUIS XIV. TO M. DE LA BARRE.

Fontainebleau, 5th Aug., 1683.

"I recommend you to prevent the English, as much as possible, from establishing themselves in Hudson's Bay, possession whereof was taken in my name several years ago; and as Col. d'Unguent (Dongan), appointed governor of New York by the King of Eng-

land, has had precise orders on the part of the said King to maintain good correspondence with us, and carefully avoid whatever may interrupt it, I doubt not the difficulties you have experienced on the side of the English will cease for the future."

M. DE LA BARRE TO M. SEIGNELAY.

Quebec, Nov., 1683.

"The English of Hudson's Bay have this year attracted many of our northern Indians, who for this reason have not come to trade to Montreal. When they learned by expresses sent to them by Du l'Hut, on his arrival at Missililmakinak, that he was coming, they sent him word to come quickly and they would unite with him to prevent all the others going thither any more. If I stop that pass, as I hope and as it is necessary to do, as the English of that Bay excite against us the savages, whom Sieur du l'Hut alone can quiet, I shall enter into arrangements with those of New York for the surrender to me of any guilty fugitives. They appeared well satisfied with me, but were desirous to obtain an order to that effect from the Duke of York. I judge from the state of European affairs that it is important to manage that nation, and I shall assiduously apply myself thereto."

M. DE LA BARRE TO M. DE SEIGNELAY.

Quebec, Nov. 4, 1683.

"A small vessel has just arrived from Hudson's Gulf, two hundred leagues further north than the Bay. She brings back those who were sent there last year by order of Count de Frontenac. You will receive herewith an exact map of the place. But divers little rencontres have occurred between our Frenchmen and the English, of which I send you a particular narration, in order, should any complaint be made to the King of England, and he speak of it to M. Barillon, the latter may be able to inform him of the truth. It is proper that you let me know early whether

the King desires to retain that post, so that it may be done on the withdrawal of the French, for which purpose I shall dispose matters in order to aid them overland beyond Lake Superior, through Sieur du l'Hut, and to send them by sea to bring back the merchandize and peltries."

LE SIEUR DE LA BARRE TO THE KING.

Quebec, Nov. 13, 1684.

"It remains for me to request your Majesty's orders in regard to the English, as well those of New York as those settled on Hudson's Bay. I fear they have attacked the French posts last year in Nelson's Gulf, and that Ratisson (Radisson), who I learn is at their head, has opposed force and violence to the justice of their cause, of which your Majesty shall be informed. Whether I must oppose force to force, and venture by land against those who might have committed some outrages against your subjects at sea, is a matter on which your Majesty will please furnish me with some precise and decisive orders, whereunto I shall conform my conduct and actions."

MY LORD TO M. DE LA BARRE.

April 10, 1684.

"It is impossible to imagine what you pretended when, of your own authority, without calling on the Intendant and submitting the matter to the Sovereign Council, you ordered a vessel to be returned to one Guillam which had been captured by Radisson and De Groszeliers; and in truth you ought to prevent these sorts of proceedings, which are entirely unwarranted, coming under His Majesty's eyes. You have herein done what the English will be able to make a handle of, since in virtue of your ordinance you caused a vessel to be surrendered which ought strictly to be considered a pirate, as it had no commission; and the English will not fail to say that you so fully recognized the regularity of this ship's papers that you surrendered it to the proprietors, and they will thence pretend to conclude that they had taken legitimate

possession of the River Nelson before Messrs. Radisson and De Groszeliers had been there, which will be very prejudicial to the colony."

M. DENONVILLE TO M. DE SEIGNELAY.

Ville Marie, August 25, 1687.

"Du l'Hut's brother, who has recently arrived from the rivers above the lake of the Allenemipigons, (now Lake Ste. Anne, north of Lake Superior) assures me that he saw more than 1,500 persons come to trade with him. They were very sorry that he had not sufficient goods to satisfy them. They are of the tribes accustomed to resort to the English at Port Nelson or River Bourbon, where they say they did not go this year, through Sieur du l'Hut's influence. It remains to be seen whether they speak the truth.

"The overland route to them is frightful, on account of its length and of the difficulty of finding food. He says there is a multitude of people beyond these, and that no trade is to be expected with them except by sea, for by the rivers the expense is too great.

"I have just received news from our forts at the head of Hudson's Bay, (*du nord*) where d'Yberville is in command. He has had advices this fall that an English ship was in the nip near Charleton Island. He sent four men thither across the ice to reconnoitre. One gave up through sickness; the others were surprised and taken and bound. One of the latter escaped, though fired at several times—he communicated the news—and the other two were put, bound, into the bottom of the hold, where they passed the winter. The commander of the vessel, hunting on the Island in the spring, was drowned. The time being arrived for setting sail, the pilot and the others, to the number of six, caused the weaker of the Canadians to work, and obliged him to assist them. One day whilst most of the English were aloft, the Canadian, seeing only two on deck, grasped an axe with which he split both their skulls, then ran to release his comrade; they seized the arms and went on deck, where from being slaves they

became masters. They next steered the ship towards our fort, and met Sieur d'Yberville on the way, who had fitted out a vessel to go and release his men at the moment the ice would permit him. The English ship was laden with merchandize and provisions, which have been of great service to our forts."

MEMOIR OF M. DENONVILLE ON THE STATE OF CANADA.

Nov. 12, 1685.

"In regard to Hudson's Bay (du nord), should the King not think proper to enforce the reasons His Majesty has for opposing the usurpation of the English on his lands, by the just titles proving His Majesty's possession of it long before the English had any knowledge of said country, nothing is to be done but to find the means to support the company of said Bay, formed in Canada by the privilege His Majesty has been pleased this year to grant his subjects of New France, and to furnish them, for some years, a few vessels of one hundred and twenty tons only, well armed and equipped. I hope, with this aid, our Canadians will support this affair, which will otherwise perish of itself, whilst the English merchants, more powerful than our Canadians, will with good ships continue their trade, whereby they will enrich themselves at the expense of the colony and of the King's revenue."

CAPITULATION OF ALBANY FORT.

Articles agreed upon between the Chevalier de Troyes, Commander in Chief of the detachment of the North-West, for the French Company of Canada, and Henry Sergeant, Esq., Governor, for the English Company of Hudson's Bay, July 16, 1686.

It is agreed upon to deliver up the Fort, together with all the goods belonging to the said Company, which are to be scheduled for the mutual clearing of us, the forenamed, and satisfaction of all parties.

II. That all the Company's servants at Albany River shall enjoy all wearing apparel belonging to themselves.

III. That the aforesaid Henry Sergeant, Esq., Governor, shall enjoy and possess all that belongs to himself: and that his minister, his three men servants and maid servant shall constantly be permitted to remain with him and attend him.

IV. That the Chevalier de Troyes shall convey all the Company's servants to Charleton Island, there to expect English ships for their transportation; and if English ships should not arrive, then the aforesaid Chevalier de Troyes is to assist them with what vessels the country affords, for their conveyance into England.

V. That the said Chevalier de Troyes shall deliver to the said Henry Sergeant, Esq., Governor, or to his storehouse keeper, such provisions as shall be thought fitting and necessary to carry them to England, if no ships come from thence, and in the meantime give them such sustenance as shall be sufficient for them.

VI. That all the storehouses shall be locked up, and the keys delivered to the said Chevalier de Troyes, Lieutenant, that nothing may be in the said storehouses embezzled, till the account be taken, according to the first article.

Lastly. That the Governor and all the Company's servants at Albany River shall come out of the Fort and deliver it up to the said Chevalier de Troyes, all the men, the Governor and his son excepted, being without arms, which is to be forthwith.

Denonville, 10th October, 1686.

“ Nous avons éprouvé que par les Temiskamins et Abitabis c'est un chemin terrible et de si grandes difficultés que tout ce que l'on saurait faire est d'y porter suffisamment de vivres pour aller et revenir. L'on croit celui de Nemisco par Tadoussac plus traitable; mais en vérité il est aussi fort long et très pénible, outre que la navigation des rivières est si difficile que l'on n'y saurait passer que par dessous des arbres couchés de travers sur la rivière, qui est étroite; mais cela se peut accommoder avec le tems. Voila, Monseigneur, les deux seuls chemins pour le fond de la Baie.

" On compte 250 lieues de poste de Quichichouanne au port de Nelson. Ce chemin n'est pas encore bien connu à nos François par les terres ; l'an prochain ne se passera pas qu'on ne le connaisse ; il n'est pas praticable pour y porter des marchandises.*

Marquis De Denonville, 13th October and 16th November, 1686.

" Affairs are becoming more and more embroiled, and the English who urge on the Iroquois are but too well aware of their evil design.

" The French coureurs des bois, with 100 men, took from them three forts they were occupying in Hudson's Bay. * *

" The convention concluded with England, that the River Bourbon or Port Nelson shall remain in joint occupation of the two crowns, is not advantageous to the French, for the voyages of the English are too dangerous on account of their attacking the coureurs des bois as much as possible, besides purchasing the beaver at a higher rate, and furnishing their goods cheaper than the French. In his opinion, it would be more beneficial for the company and colony that the French merchants restore the posts at the head of the Bay, which they took, and that the French should leave Port Nelson or River Bourbon. If this arrangement were feasible, the Indians could be thus intercepted by land, for it would be useless to attempt to become masters of the upper parts of the Rivers Bourbon and Ste. Thérèse, inasmuch as it would be impossible to prevent the Indians trading with the English.

" The latter could, by this means, be intercepted by land, and

* Denonville, October 10, 1686.

We have experience that, by the Temiskamins and Abitibis, the road is terrible, and that all that could be done would be to carry a sufficient supply of provisions for the round trip. It is believed that that of Nemisco by Tadoussac is better ; but in truth it is long and painful enough : besides the navigation of the rivers is so difficult, that it is only possible to pass underneath the trees that lie across the narrow river ; but that may be overcome in time. These, Monseigneur, are the only two roads that lead to James' Bay (les deux seuls chemins pour le fond de la Baie).

It is reckoned 250 leagues from the post of Quichichouanne to Port Nelson. The overland road is not yet well known to our French ; the next year will not pass without their becoming acquainted with it ; it is not practicable to carry merchandize there.

we should have an opportunity of discovering an infinitude of nations yet unknown, through whom a great many peltries can yet be procured, and, possibly, the passage and entrance to the Pacific Ocean eventually discovered."

M. DE DENONVILLE TO M. DE SEIGNELAY.

February 15, 1690.

"Our affairs at Hudson's Bay will prosper if the Northern Company continue to co-operate with, and second the designs of, D'Iberville, one of the sons of the late Le Moyne, whom I left resolved to go to Port Nelson, the only remaining port in the possession of the English. For that purpose it is absolutely necessary, I believe, that my Lord the Marquis de Seignelay inform Monsieur de Lagny that the King intends that the Northern Company undertake the capture of that post, and furnish said Iberville with everything he requires to render his design successful. He will want two ships. He has already, at Quebec, one that he took this winter from the English. In truth, my Lord, it would be very advantageous to the King's service had said Iberville some honourable rank in the navy, in order to excite emulation in the Canadians who will follow the sea. A commission of lieutenant would work miracles. He is a very fine fellow, and very capable of rendering himself expert, and doing good service.

"The Iroquois war continuing, as there is every appearance it will, both against us and the Indians, in the direction of the Outawas who traffic with us, the greatest part of the trade will be diverted towards Port Nelson, on the River Bourbon. What I have learned of the facilities possessed by the Indians beyond Lake Superior to reach the sea in that direction, very strongly convinces me of the necessity we are under to bethink ourselves of driving the English from that commerce. But it must be effected without fail, for they will get up this year some expeditions against us.

"The Northern Company require that my Lord should order M. de Champigny to attend their meetings sometimes when he considers it necessary. I fear some divisions are creeping in there

which will bring about its failure. There is no fear that the presence of an Intendant like M. de Champigny can be productive of any harm."

FORT NELSON.—LETTRE DE MESSIEURS DE FRONTENAC ET
CHAMPIGNY,

On the subject of attacking Fort Nelson, August 7, 1693.

"Sa Majesté ayant fait savoir par sa dépêche du 28 Mars dernier que son intention était que nous fissions partir sans retardement le Sieur Iberville, avec ses vaisseaux *Le Poli*, *l'Intendant*, et celui de la Compagnie du Nord, afin d'aller dans la Baie d'Hudson y faire l'attaque de Fort Nelson, suivant le mémoire particulier que sa Majesté nous a encore à cet effet envoyé et l'instruction dudit Sr. d'Iberville, Capitaine dudit vaisseau, *le Poli*, nous aurions pour l'exécution desdits ordres conféré avec Monsieur de Champigny, Intendant en ce pays, et aurions mandé le 26 Juillet ledit Sr. d'Iberville chargé de ladite expedition dudit Fort de Nelson, et les Sieurs intéressés en la Baie du Nord."*

MEMOIRE DE LA COMPAGNIE DU NORD.

15 Nov. 1690.

Le Compagnie du Commerce du Nord établie à Quebec, avec permission et patente de S. M., a eu le malheur, après avoir pris possession, audit pays du Nord, de la riche et grande rivière de Bourbon in 1682, d'avoir été pillée en terre en 1683, par les

* *Fort Nelson.*—Letter of Messrs. de Frontenac and Champigny on the subject of attacking Fort Nelson, Aug. 7, 1693.

His Majesty having made known to us by his despatch of the 28th March last, that it was his intention that we should cause Sieur Iberville to set out without delay, with his vessels, the *Poli*, the *Intendant*, and that of the Compagnie du Nord, in order to go to Hudson's Bay, according to the private memoir which His Majesty has sent us to this effect, and the instruction of the said Iberville, captain of the *Poli*, we have conferred with Monsieur de Champigny, Intendant of the country, on the execution of the said orders, and on the 26th of July ordered the said Sieur d'Iberville, charged with the said expedition to the said Fort Nelson, and the gentlemen interested in Hudson's Bay, (la Baie du Nord) to set out on that expedition.

Anglois, pendant le retour de leur vaisseau à Quebec, qui leur prirent un magasin rempli de plus de 200,000 livres de castor, martre, et autres pelleteries dans le temps qu'il n'y avait point de guerre entre les deux nations, ayant corrompu deux ou trois François gardiens desdites pelleteries en magasin.

* * * *

Ce fut durant ce temps que S. M. accorda au Roi d'Angleterre, que les limites des terres seroient réglées par MM. les Commissaires qui furent nommés de la part des deux Royaumes; cependant défend aux sujets de faire aucun acte d'hostilité à quoi lesdits Anglois refusant d'obéir de leur part, seraient venus sur la fin de l'année 1688, au fond de la Baie du Nord, occupée par les François, hiverner avec trois navires et environ cent hommes d'équipage, auroient bâti un Fort au Nord de celui desdits François. [The company asked the assistance of the French Government in the emergency.]

(Signed)

GOBIN PACHOT.

CHARLES ALBERT DE LA CHÉNE.*

[The commerce, in a word, could only be carried on by sea; by that means the immense cost of carrying goods by land was saved. The fattest beavers and the best furs were at the north. The French wanted to exchange the forts on James' Bay for Fort

* Memorial of the Company of the North, Nov. 15, 1690:

The Commercial Company of the North, established at Quebec, by permission and patent of His Majesty, has had the misfortune, after having taken possession of the north country, and the rich and large river of Bourbon, in 1682, to have been robbed, on land, in 1683, by the English, when their vessel had returned to Quebec, by whom were taken from their magazine more than 200,000 livres of beaver, martin and other peltries, at a time when there was no war between the two nations, and by means of bribing two or three Frenchmen in whose charge the peltries in the magazine were.

* * * *

This occurred at the time when His Majesty had agreed with the King of England that the boundaries of their territories should be fixed by Commissaires, to be appointed on the part of the two kingdoms; they had however forbidden their subjects to commit any act of hostility, in which respect the English proved disobedient; arriving, near the end of the year 1688, at the foot of James' Bay, (au fond de la Baie du Nord) occupied by the French. They wintered there with two vessels and about a hundred men belonging to the ships, and built a fort to the north of that of the French.

[The Company asked the assistance of the French Government in the emergency.]

(Signed)

GOBIN PACHOT.

CHARLES ALBERT DE LA CHÉNE.

Nelson: they could then stop the savages on the borders of Lake Alenimipigons, who went to Quichichouanne, at the head of the Bay. The company had laid out large sums and had not yet reaped any profit. Raddison had caused them a loss of a hundred thousand écus, besides the profit that would have been made afterwards.]

A letter to Monseigneur Pontchartrain, "adressée par les membres de la Compagnie du Nord du Canada" (without date, but was probably written in 1693), says:—

"L'entreprise du Port Nelson n'a pu se faire en 1691, parceque défunt Monsieur du Tas, arrivé à Quebec le premier jour de Juillet, auquel vous aviez ordonné ce voyage, soutient ici qu'il était trop tard de partir pour le Nord.

"Votre Grandeur, en 1692, a donné au Sr. d'Iberville, Capitaine de Vaisseau de sa Majesté *Le Poli*, ses ordres pour ledit voyage, et la conduite de la flotte du commerce de ce pays, qui n'est arrivé que le 18 Août, dans laquelle saison, il a été absolument impossible de penser à cette entreprise.

"Pourquoi, Monseigneur, ce seul poste qui reste aux Anglois étant si utile qu'il fait tout gagner ou tout perdre aux Français dans la grande Baie du Nord, la Compagnie établie à Québec pour ce commerce réclame tout de nouveau la protection de Votre Grandeur, afin que vous lui accordiez des forces suffisantes pour se rendre maîtres dudit Port Nelson que les Anglais ont pris par trahison sur ladite compagnie même en tems de paix, ce que l'on espère, Monseigneur, de la passion que vous avez pour l'agrandissement du Royaume, et de votre affection pour cette colonie.

"Par vos très respectueux et très obéissants serviteurs,

(Signés)

"HARYON,

"MIGEON,

THAZEUR,

DE BRAUSSAC,

PACHOT,

MACART,

CHARLES AUBERT,

LE PICART,

DE LA CHESNAYS,

GOBIN."*

* A letter from the Compagnie du Nord of Canada (without date, probably written in 1693), says:—

"The enterprise of Port Nelson could not be carried out in 1691, because M. du Tas, since dead, who arrived at Quebec on the first of July, to whom you had ordered to make this voyage, alleged, when here, that it was too late to set out for the north.

La Compagnie du Nord du Canada d Monseigneur de Pontchartrain, 1693.

La grace que votre Grandeur avait accordée à la compagnie du Nord de Canada, du vaisseau du Roi, *le Poli*, n'ayant pu avoir son effet, le Sieur d'Iberville, Capitaine dudit vaisseau étant arrivé à Quebec seulement le 8 Août, trop tard pour rien entreprendre sur les Anglois.

L'on espère que vous continuerez votre protection, Mgr, en faveur de cette compagnie qui est ruinée et souffre beaucoup par la nécessité de soutenir la guerre contre la compagnie de Londres, qui lui a pris en tems de paix, le Port de Nelson, un des plus considerable postes de ladite grande Baie, avec plus de 400 mille livres d'effets.

Cette compagnie de Londres composée de marchands, seigneurs et milords de la premiere qualité, estime à si haut prix la Baie et son commerce, qu' ayant donné leurs ordres au Commandant du Fort de Neuvesavanne de brûler tous leurs effets si les Français paraissoient, brûlèrent effectivement ledit fort et pour plus de trente mille écus de marchandises à la vue d'un seul navire de la compagnie en 1690, et auquel fort pour prouver cette estime, ils se sont rétablis des l'année suivante, parceque la compagnie de Quebec n'a pas été en état de l'occuper.

" Your Excellency, in 1692, gave Captain Iberville, of His Majesty's vessel, the *Poli*, his orders for this voyage, and the management of the fleet of merchant vessels of this country, who did not arrive till the 18th August, at which season it was absolutely impossible to think of this enterprise.

" Why, Monseigneur, this single Fort, which remains in possession of the English, is of so much importance that the gain or loss of everything in Hudson's Bay depends upon it. The company's establishment at Quebec, to carry on this commerce, claims anew the protection of your Excellency, that you may give it a sufficient force to enable it to become master of Fort Nelson, which the English took by an act of treason against this company in a time of peace. This they hope from the strong desire which you have for the aggrandizement of the kingdom and from your affection for this colony.

" By your very respectful and obedient servants,

(Signed)

" HARYON,

THAZEUR,

PACHOT,

CHARLES AUBERT,

DE LA CHESNAYS,

" MIGEON,

DE BRAUSSAC,

MACART,

LE PICART,

GOBIN."

On ne peut donc assez vanter cette grande Baie par rapport au grand commerce qui s'y fait déjà, et qui s'y peut établir sur les bords de la mer, dans la profondeur des terres, et pour les nouvelles découvertes.

La compagnie y tiendrait tout, si elle pouvait se saisir du Port Nelson ; cependant les frais de la guerre soutenue contre les Anglais l'a beaucoup affaiblie ; ce qui l'oblige de recourir à votre Grandeur, afin d'obtenir des forces suffisantes, et en tems convenable, pour en chasser les Anglais.

Par vos très respectueux et très obéissants serviteurs,

(Signed)

ROUER DE VILLERAY,

pour Messieurs de l'Ancienne Compagnie,

F. RAZECR,

MACART,

LE PICART,

PACHOT,

BENACE,

pr. MM. Catignon et Duprat,

GOBIN,

FAUVEL.*

* *The Compagnie du Nord of Canada to Monsieur de Pontchartrain, 1693.*

The favour which your Excellency granted to the Compagnie du Nord of Canada of the King's vessel, the *Poli*, did not produce the effect intended, owing to Captain Iberville having arrived at Quebec only on the 8th August ; too late to undertake anything against the English.

It is hoped that you will continue your protection, Monseigneur, in favour of this company, which is ruined and suffers greatly from the necessity of carrying on the war against the London company, by whom, in a time of peace, Port Nelson, one of the most considerable on the great Bay, was taken from them, with 400,000 livres of effects.

This London company, composed of merchants and noblemen of first quality, estimate at so high a price the commerce of the Bay that they had given orders to the Commander of the Fort to burn all their effects if the French made their appearance. At the sight of a single vessel of the company, in 1690, they effectively burnt the fort and over 30,000 écus worth of merchandize, which fort, to show this esteem, they rebuilt the next year, because the Company of Quebec was not in a condition to occupy it.

It is difficult to speak in terms of deserved eulogy of this great Bay in respect to the commerce which has already been carried on there, and which might be established on the sea coast and in the interior, and as a basis of new discoveries.

The Company could hold everything there if it could seize Port Nelson ; but the expense of the war sustained against England has greatly weakened it, and obliged it to

CAPITULATION OF FORT YORK.

Articles de capitulation entre Guillaume Allen, Commandant en Chef dans le Rivière Hays, ou Ste. Thérèse, et le Sieur G. de la Forest, Commandant du Fort York ou Bourbon, le 31 d' Août, 1696.

Je consens de vous rendre mon fort sur les conditions suivantes :

1. Que moi et tous mes gens, tant Français que sauvages, et un Anglais que est mon domestique, aurons tous la vie sauve, et la liberté, sans qu'il nous soit fait aucun tort ou violence, soit en nos personnes ou en ce qui nous appartient.

2. Nous sortirons du fort avec nos armes, tambour battant, mèche allumée, balle en bouche, enseignes déployées et emporterons avec nous les deux canons que nous avons apportés de France.

3. Nous serons transportés tous ensemble, en votre propre vaisseau, à Plaisance qui est un fort Français de Terre-neuve. Nous ne voulons point rendre le fort jusqu'à ce q'on nous embarque et nous aurons le pavillon Français arboré dans le fort jusqu'à ce que nous en sortions.

4. Si nous rencontrons de nos vaisseaux, il y aura trêve entre vous et eux, et il sera permis de nous transporter avec tout ce qui nous appartient.

have recourse to your Excellency, to obtain sufficient force, and in a suitable time to drive out the English.

By your very respectful and very obedient servants,

(Signed)

ROUER DE VILLERAY,

For the Ancient Company,

F. RAZEUR,

MACART,

LE PICART,

PACHOT,

BENACE,

For MM. Catignon and Duprat,

GOBIN,

FAUVEL.

[“ War breaking out between the two nations, the Hudson's Bay Company solicited for soldiers to be sent thither to recover their settlements ; and in the year 1693 they retook all the forts and factories which the French had taken from them in time of peace.”—*Oldmixon.*]

5. Nous emporterons avec nous tous les castors et autres marchandises que nous avons traités cette année, qui seront embarqués avec nous sur nos vaisseaux.

6. Tous mes gens emporteront leurs hardes et tout ce qui leur appartient, sans qu'ils soient visités ni pillés de quoi ce soit.

7. Pendant le voyage en cas de maladie, vous nous fournirez tous les remèdes et médicaments dont nous aurons besoin.

8. Les deux Français, qui doivent revenir avec les Indiens seront reçus dans le fort à leur retour où ils seront traités comme les Anglois, et transportés en Europe la même année, ou il leur sera fourni toutes choses nécessaires pour les rendre à la Rochelle.

Nous aurons le libre exercice de notre religion et il sera permis au père Jésuite, notre missionnaire, de faire publiquement les fonctions de son ministère.*

* *Articles of capitulation between William Allen, Commandant in Chief at Hays or Ste. Therese River, and Sieur G. de la Forest, Commandant of Fort York or Bourbon, August 31, 1696.*

I consent to give up to you my fort on the following conditions :

1. That I and all my men, French as well as Indians, and my English servant, shall have our lives and liberty granted to us, and that no wrong or violence shall be exercised upon us or whatever belongs to us.

2. We shall march out of the Fort, with our arms, to the beat of the drum, match lighted, ball in mouth, the ensigns of our employments, and carry with us the two cannon which we brought from France.

3. We shall be transported all together, in our own vessel, to Plaisance, a French port in Newfoundland. We do not wish to give up the Fort till we have embarked, and we shall keep the French flag over the Fort till we march out.

4. If we meet with our vessels, there shall be a truce between us, and it shall be permitted to transport us with whatever belongs to us.

5. We shall take with us all the beaver skins and other merchandize obtained in trade this year, which shall be embarked with us upon our vessels.

6. All my men shall embark their clothes and whatever belongs to them without being subject to visitation or robbed of anything.

7. In case of sickness during the voyage, you shall furnish us with all the remedies and medicines which we shall require.

8. The two Frenchmen who ought to return with the Indians shall be received in the Fort on their return, where they shall be treated the same as the English, and sent to Europe during the same year, where they shall be furnished with everything necessary to take them to Rochelle.

We shall have the free exercise of our religion, and the Jesuit priest, our missionary, shall publicly perform the functions of his ministry.

LA COMPAGNIE DU NORD.

(Lettre de MM. de Vaudreuil et de Beauharnois sur les affaires générales de la colonie. 19 Septembre, 1705.)

La Compagnie de ce pays n'est point en état d'envoyer, l'année qui vient, un vaisseau à la Baie d'Hudson pour y porter les vivres qu'il faut pour la garnison qui y est et pour en rapporter le castor et les autres pelleteries qui y ont été traitées, et y porter de nouvelles marchandises ; et comme les armemens qui se font en ce pays coûtent des sommes immenses et que ce poste est aussi mieux à portée d'être exploité de France que dans ce pays, nous vous supplions, Monseigneur, de vouloir bien y envoyer un vaisseau ; car, sans ce secours, la garnison périrait faute de vivres ; vous avez, Monseigneur, la Sieur de Grandville, garde marine, qui a déjà fait ce voyage.*

THE BOUNDARIES TO BE SETTLED.

In the letter of 26th October, 1719, (de MM. de Vaudreuil et Begon) the writers say : " Ils ont appris avec joie que Sa Majesté donne ordre à son ambassadeur en Angleterre de proposer et de nommer des commissaires de part et d'autre pour régler les limites de la Nouvelle France. Ce qui parait fort nécessaire parce que les Anglais, profitant des ménagements que les Français et les sauvages ont pour eux en temps de paix, s'établissent au bas de la rivière de Naurantsonak, où ils sont au nombre de 500 hommes, ce qui fait assez connaitre le dessein qu'ils ont de se mettre en état de s'y maintenir en cas de guerre et même d'y chasser les sauvages de cette mission.†

* The Compagnie du Nord is not in a condition to send next year a vessel to Hudson's Bay with necessary provisions for the garrison, and to bring back beaver skins and other furs which have been obtained in trade, and to take there new merchandize ; and as the armaments raised in this country cost immense sums, and as this post is in a better position to be conducted from France than this country, we pray, Monseigneur, to send a vessel there ; for without such assistance the garrison will perish for lack of provisions : Sieur de Grandville, Keeper of Marine, has already made this voyage.

† They [the Canadians] have learnt with joy that his Majesty has given orders to his ambassador in England to propose and to name commissioners, on both sides, to settle the limits of New France. This appears to be very necessary to be done, as the

RELATIVE VALUE OF NORTHERN AND SOUTHERN FURS.

Les pelleteries du nord sont sans contrédit les plus belles qui soutiennent toujours leur prix et ne sont jamais à charge, l'empressement du Sr. Nubert et Cie pour les avoir en est une preuve incontestable ; d'ailleurs une canotée de ces sortes de pelleteries produit plus d'argent que 6 canotées de celles du sud et ne coûtent pas d'avantage."—*Mémoire pour le rétablissement du commerce du Canada, par Delino; adressé au Comte de Pontchartrain, Ministre et Secrétaire d'Etat, Contrôleur-Général de la Marine, Octobre 25, 1710.**

M. DE BEAUHARNOIS TO COUNT DE MAUREPAS.

October 8, 1744.

"In regard to the posts on Hudson's Bay and those they [the English] have established on this side, in the direction of Temiscaming, and which His Majesty has been pleased to recommend me to endeavour to neutralize, or to utterly destroy if possible : I have accordingly instructed Sieur Guillet, who farms the post of Temiscaming, and has gained the good opinion of all the nations thereabouts, to prevail on them to assemble together, in the course of this winter, in order to fall, at the opening of the spring, as well on Fort Rupert as on the other posts in the direction of Hudson's Bay. I have in like manner, on receiving the news of the war, sent orders to Missilimakinac, to be transmitted to Alepimegon and other posts in that neighbourhood, so that they may all co-operate in the destruction of the English establishments at the north, and among

English exercise influence upon the French and the Indians in time of peace, to establish themselves on the river Naurontsonak, where they number 500 men ; showing a design to maintain themselves there in case of war, and even to drive away the Indians from this mission.

* The furs of the north are beyond question the finest ; they always maintain their price and never occasion a loss, as the strong desire manifested by Aubert & Co. to procure them incontestibly proves. Besides, a canoe-load of this kind of furs brings more money than six canoe-loads of southern furs, and does not cost any more.—*Memoir for the re-establishment of the commerce of Canada, by Delino; addressed to Count de Pontchartrain, Minister and Secretary of State, Comptroller-General of the Marine, October 25, 1710.*

the rest, of that newly built, about twenty leagues above Michipicoton, by a Canadian refugee, who conducted thither seven or eight Englishmen who trade there; and I have ordered not only the forcible destruction of that establishment, but also that the Canadian be killed, if it be possible to seize him. I have also given Sieur Guillet notice that I should, at the very opening of spring, despatch a party of Frenchmen and Indians, under the command of an officer and some others, to make a simultaneous attack on these posts. Sieur Guillet is to warn those Indians of this expedition, in order that they may hold themselves in readiness to join it, and, in fact, I calculate on sending it as soon as the season will permit, and I beg you, my Lord, to assure His Majesty that I will not neglect anything to utterly destroy, if possible, the English establishments in that quarter, as well as all those the difficulties whereof I shall be able to surmount."

M. DE BEAUHARNOIS TO COUNT DE MAUREPAS.

Montreal, June 18, 1745.

"I am on my guard and merely on the defensive, not being able to act offensively, as I had the honour to inform you, either against New England or the posts on Hudson's Bay, in consequence of the want in the King's stores, and even in those of the merchants, of the supplies necessary for such expeditions, a circumstance I was not informed of last autumn. *Besides*, the preservation of our possessions and forts being my principal object, I considered it more prudent not to divest ourselves of our small means of resistance in case of attack, and to suspend the *other* projects until I be in a condition to execute them."

RIVAL CLAIMS OF THE FRENCH AND ENGLISH.

Prétensions réciproques des Français et des Anglais sur les Colonies. Pays pris par les Anglais pendant la paix : Le Fort Bourbon dans la Baie d'Hudson, les Français les en chassèrent en 1695 ; les Anglais les l'ont repris en 1696. Partie à rendre par les Anglais.

Pris par les Français pendant la paix: les 2 forts du sud de la Baie d'Hudson; les Anglais s'en sont remis en possession pendant la guerre.*—*Correspondance officielle relative au Gouvernement du Canada*, 3me Série, I. Archives de Paris.

THE ENGLISH SIDE FROM THE HUDSON BAY CO.'S POINT OF VIEW.

[The following account of discoveries and national rivalries, in and around Hudson's Bay, is abridged from Oldmixon's *British Empire in America*. Though tinctured with national prejudice, and always proceeding on the assumption that the English alone had any rights in that quarter, as if the Treaties of Neutrality and Ryswick never had an existence, it will assist the enquirer in forming some opinion on the state of things out of which grew the series of treaties which have still a practical interest.]†

In the year 1576, Cap. Martin Frobisher made his first voyage for the discovery of a passage to China and Cathay by the north-west; and on the 12th of June he discover'd Tierra de Labrador in 63 degrees 8 minutes, and enter'd a Streight which he call'd by his name. On the 1st of October he return'd to England. In the following year, he went a second time on the same discovery, came to the same Streight, and us'd all possible means to bring the natives to trade, or give him some account of themselves; but they were so wild, that they only study'd to destroy the English. Cap. Frobisher stay'd here till winter drew on, and then he return'd to England. He made the same voyage the following year, and with the like success.

Six years afterwards, A.D. 1585, John David sail'd from Dartmouth on the same adventure, came into the latitude of 64 degrees 15 minutes, and proceeded to 66 degrees 40 minutes. In the year ensuing, he ran to 66 degrees 20 minutes, and coasted southward

* A translation of the above will be found in the preceding Report.

† It may be regarded as semi-official, having been chiefly compiled and much of the materials being derived from the Hudson's Bay Company.

again to 56 degrees. Sailing thence in 54 degrees, he found an open sea, tending westward, which he hoped might be the passage so long sought for ; but the weather proving tempestuous, he return'd to England. In October, the next year, he did the same. After which there were no more adventures this way, till the year 1607, when Cap. Henry Hudson discover'd as far as 80 degrees 23 minutes. In 1608, he set out again ; and, having added little to his former discoveries, return'd. Two years after he again undertook a voyage to find out the north-west passage, proceeded 100 leagues further than any man had done before him, till he could not go forward for ice and shoal water ; and finding himself imbay'd, he resolv'd to winter there. In the spring of 1611, pursuing a further discovery, he and seven more of his company were seiz'd, the rest of his men put into an open boat, and committed to the mercy of the waves and savages.

We know 'tis pretended, that a Dane made the discovery of this Streight, and that he call'd it Christiana, from the King of Denmark, Christiern the IVth, then reigning. But Cap. Hudson was the man who discovered it to the English, and who indeed first sail'd so near the bottom of the Bay, as he did within a degree or two.

The same year that he dy'd, Sir Thomas Button, at the instigation of Prince Henry,* pursu'd the same discovery. He pass'd Hudson's Streights, and leaving Hudson's Bay to the south, settled above 200 leagues to the south-west, and discover'd a great continent, by him called New Wales. He winter'd at the place afterwards call'd Port Nelson, carefully search'd all the bay, from him call'd Button's Bay, and return'd to Digg's Island.

In 1516, Mr. Baffin enter'd Sir Thomas Smith's Bay, in 78 degrees, and return'd despairing to find any passage that way. All the adventures made to the north-west, were in hopes of passing to China. In 1631, Capt. James sail'd to the north-west, and arrived at Charlton Island, where he winter'd in 52 degrees. Cap.

The expense of the expedition was certainly borne by merchant adventurers of London,

Fox went out this year on the same account, but proceeded no further than Port Nelson.

The civil wars in England put discoveries out of men's heads; and we hear of no more such adventures till the year 1667, when Zachariah Gillam, in the *Nonsuch* Ketch, pass'd thro' Hudson's Streights, and then into Baffin's Bay to 75 degrees; and thence southward into 51 degrees; where in a river, afterwards call'd Prince Rupert's River, he had a friendly correspondence with the natives, built a fort, nam'd it Charles Fort, and return'd with success.

The occasion of Gillam's going was this: Monsieur Radison and Monsieur Gooselier [de Groisselier], two Frenchmen, meeting with some savages in the Lake of Assimponals, in Canada, they learnt of them that they might go by land to the bottom of the Bay, where the English had not yet been.* Upon which they desir'd them to conduct them thither, and the savages accordingly did it. The two Frenchmen return'd to the upper lake the same way they came, and thence to Quebec, the capital of Canada; where they offer'd the principal merchants to carry ships to Hudson's Bay, but their project was rejected. Thence they went to France, in hopes of a more favourable hearing at court; but, after presenting several memorials, and spending a great deal of time and money, they were answer'd as they had been at Quebec, and their project look'd upon as chimerical. The King of England's ambassador at Paris, hearing what proposals they had made, imagin'd he should do his country good service in engaging them to serve the English, who had already pretences to the Bay, perswaded them to go for London, where they met with a favourable reception from some men of quality, merchants and others, who employ'd Gillam, before-mention'd, a New England captain, in the voyage; and Radison and Gooselier accompanying, they arriv'd at the bottom of the Bay, and succeeded as we have hinted already.

* This is an admission that Frenchmen had been overland to Hudson's Bay before the Hudson's Bay Company was formed; and that their knowledge was utilized in the adventure that led to the formation of that company.

When Gillam return'd, the adventurers concern'd in fitting him out apply'd themselves to King Charles II. for a pattent; who granted one to them and their successors, for the bay call'd Hudson's Bay, and the streights call'd Hudson's Streights. The pattent bears date the 2nd of May, in the 22nd year of that king's reign, A.D. 1670.

On the west side of the Bay, the English made a settlement, and built a fort at Port Nelson. The Bay here is call'd Button's; and Hudson's Bay is broadest in this place. The two opposite shores are call'd the East Main and West Main. The former is Labrador, and the latter New South Wales. The continent at the bottom of the Bay is by the French pretended to be part of New France; and indeed to cross the country from St. Margaret's River, which runs into the River of Canada, to Rupert's River, at the bottom of Hudson's Bay, is not above 150 miles.* At Rupert's River, the English built their first fort, which they call Charles Fort.

In the year 1670 the Company sent off Charles Baily, Esq., Governour, with whom went Mr. Radison and 10 or 20 men, who were to stay on the place; his residence being at Rupert River, where a mean fort has been built. Mr. Baily appointed Mr. Thomas Gorst to be his secretary, and order'd him to keep a journal of their proceedings there, which is now in my custody.†

The English had now worse hutts than afterwards, and no covering for them but moose skins. There was at this time a factory at Port Nelson, where Captain Gooselier arrived in August, 1673. He search'd the river for Indians, but met with none. He saw several wigwams, where they had lately been, and suppos'd them to be gone up the country. This captain was order'd to search for Severn River, but could not find it, tho' 'twas in the old draughts of this Bay.

Now Mr. Baily and his little colony fell to patching up their cabbins, and prepare for the enemy. The 23rd of October several

* Their claim was surely as good as that of the English; one nation having pushed its discoveries in one direction, and the other in another, to the same point.

† This proves that the author relied on the Company for much of his information.

Indians came to the Fort to trade, and among others one from Quebec.

Several Indians came in March, and built their wigwams at the east-end of the Fort, intending to stay there all winter, that they might be ready for trade in the spring. About the 20th of March it began to thaw; and the Nodwayes still threatening the English with war, the Governour prepar'd every thing necessary in the Fort for his defence. On the 25th of March, six men, as Ambassadors, came from King Cuscudidah, to notify his approach, and that he would be at the Fort next day, which he made good, and was troubled that the Governour was absent. He brought a retinue with him, but little beaver, the Indians having sent their best to Canada.*

The English at the Fort stood on their guard, and Mr. Cole commanded them in the Governour's absence; for whom the King sent two Indians. And the 31st of March, the Governour return'd, with a small supply of moose flesh.

All this while the Indian King stay'd at the wigwams, near the Fort; and the reason of it was, they were apprehensive of being attack'd by some Indians, whom the French Jesuits had animated against the English,† and all that dealt with them. The French us'd many artifices to hinder the natives trading with the English; they gave them great rates for their goods, and oblig'd Mr. Baily to lower the prices of his, to oblige the Indians who dwelt about Moose River, with whom they drove the greatest trade.

The French, to ruin their commerce with the natives, came and made a settlement, not above 8 days' journey up that river, from the place where the English traded. 'Twas therefore debated, whether the Company's agents should not remove from Rupert's to Moose River, to prevent their traffick being intercepted by the French.

* This proves that when the Hudson's Bay Company first established itself on the shores of the Bay, the Indians there already had a trading connection with Canada.

† There must then, if this representation be true, have been French missionaries here already.

On the 3rd of April, 1674, a council of the principal persons in the Fort was held, where Mr. Baily, the Governour, Capt. Gooselier, and Capt. Cole, were present, and gave their several opinions. The Governour inclin'd to remove.* Capt. Cole was against it, as dangerous; and Capt. Gooselier for going thither in their bark to trade, when the Indians belonging to King Cuscudidah were gone a hunting, and there was no fear of the Fort's being surpriz'd.

The Indians went to building their wigwams near the Fort, and rais'd their Wauscoheigin, or fort, so near the English, that the palisadoes join'd. On the 20th of May, 12 Indians, subjects to King Cuscudidah, came in seven canoos, and the King meeting them, conducted them to the Fort, where they told him there would be few or no Upland Indians come to trade that season, the French having perswaded them to come to Canada. However Mr. Baily order'd the sloop to be got ready, and resolv'd to go up the river.

Upon the arrival of this new company, among whom was the King's brother, a feast was made.

The next day (May 23), the Governour, and some English and Indians arm'd, went down to the bottom of the bay, to Frenchmen's River, to seek for the Nodways, but could meet with none. On the 27th of May, about 50 men, women and children, came in 22 canoos, to trade, but brought little or no beaver with them. They were of the nation called Pishhapocanoes, near a-kin to the Eskeimoes, and both alike a poor beggarly people: by which we may perceive *the French ran away with the best of the trade.*

The Governour having got everything ready for a voyage to Moose River, sent Capt. Gooselier, Capt. Cole, Mr. Gorst, my author, and other English Indians, to trade there. They got about 250 skins; and the captain of the Tahittee Indians informed them, the French Jesuits had not brib'd the Indians, not to deal with the English, but to live in friendship with the Indian nations in league with the French. He blam'd the English for trading with

* This affords proof that in 1674 the trade of the south-western side of St. James's Bay was in the hands of the French.

such pitiful nations as the Cuscudidahs and Pishhapocanoes, advising them to settle at Moose Sebee, and the Upland Indians would come down and trade with them. The reason they got no more peltry now, was, because the Indians thought Gooselier was too hard for them, and few would come down to deal with him.*

Mr. Baily sail'd himself for Moose Seebec, and brought home 1500 skins; the Shechittawams, 50 leagues from that river, having come to trade with him. By the 24th of June all the Indians had left their wigwams near the fort, and were gone abroad to hunt and trade, some with the English, and some by themselves.

The Governour undertook a voyage to discover Shechittawam River; and thence intended to coast along to Port Nelson, where as yet was no Fort. In the meantime Mr. Gorst, who was left deputy at the fort, sent a yaul, and four men well arm'd, up the Nodways River, which, as high as they could go for the Falls, was 5 miles broad. After about 2 months' voyage, Mr. Baily returned, and gave this account of his voyage in the sloop. On the 16th of July he sail'd from Moose River, and arriv'd at Schettawam River on the 18th, where no Englishman had been before.† He stayed there till the 21st, but could meet with little or no beaver.

'Tis a fine river, and a good channel to the N. W. in 52 degrees, N. L. He treated with the King, and his son made them a promise to come with a ship and trade with them the next year. In return, they assured him they would provide store of beaver, and bring the Upland Indians down.‡

On the 27th of July, the sloop ran upon ice, and had like to have foundered.

After he had returned to the fort, on the 30th of August, a canoe arriv'd at Rupert's River, with a missionary Jesuit, a Frenchman, born of English parents, attended by one of Cuscudidah's family, a young Indian. The Frier brought a letter to Mr. Baily

* That is, they found a better market with the French.

† The same as Quichichouanne.

‡ The whole idea of the English seemed to be to bring the Indians to their quarters, not to go after them; which, indeed, for want of expert canoe-men, they were unable to do.

from the Governour of Quebec, dated the 8th of October, 1673. For the priest should have been at Rupert's River several months before, but that he was stop'd by the Indians. The Governour of Quebec desir'd Mr. Baily to treat the Jesuit civilly, on account of the great amity between the two crowns; and Mr. Baily resolv'd to keep the Jesuit till ships came from England.

The Tabittee Indians being within the Hudson's Bay Company's Pattent, 'twas an encroachment for the French to trade with them; the Jesuit confess'd they did it.* Mr. Baily cloath'd him, the Indians having rob'd him; and entertain'd him with great kindness. The Priest resolving to return to Europe in an English ship, did not like another journey of 400 miles length, thro' many barbarous nations, over land, and a country almost impassable.

The English were frequently allarm'd with reports of incursions from the Nodways and Moose River Indians, whose quarrel with him was their selling too dear.

In the evening, Sept. 24, the sloop appear'd in the river, but having no ensign out, they concluded they were all lost men; and in this extremity of sorrow, they were soon reviv'd by the sight of 5 Englishmen, whom they had not seen before, and from whom they understood, the *Prince Rupert*, Capt. Gillam, commander, was arriv'd, with the new Governour, William Lyddal, Esq.

The next day the old Governour, and Mr. Gorst, sail'd for Point Comfort, where the *Shaftsbury*, Capt. Shepherd, commander, arriv'd also from England. And the new Governour's commission and instructions being read, all hands set to work, to refit and load the ships home as soon as possible.

On the 18th of September, Mr. Lyddal landed, and took possession of the fort. Mr. Baily deliver'd him the pattent. Mr. Lyddal finding the season would be so far spent, before the ships could be unloaden and loaden again, that it would be impracticable to return; after several councils, 'twas resolv'd, they should winter at Rupert's River; and Capt. Gillam, and Capt. Shepherd's

* It is quite certain the French did not admit they were guilty of encroaching on territory belonging to the English. Nothing was settled.

ships' crews were employ'd to cut timber, to build houses for them, as also a brew-house and bake-house in the Fort.

Mr. Bailly, who had very well discharged his trust, returning to England, inform'd the Company fully of their affairs; and now as they advanc'd in reputation, so they were industrious to increase their trade and settlements. They appointed a trader to act under the Governour and chiefs of the factories at other rivers, according as they were settled.

Port Nelson was the next settlement which they made, and thither they sent John Bridger, Esq., with the character of Governour for the Hudson's Bay Company of the West Main, from Cape Henrietta Maria, which was included in the Governour of the East Main's patent.

Mr. Lyddal was succeeded by John Nixon, Esq., in whose time the Company thought of removing their chief factory from Rupert's River to Chickwan River, as the place most resorted to by the Indians. Charlton Island was now frequented by the ships bound to Hudson's Bay, and made the place of rendezvous for all the factors to bring their merchandize to, and load it there aboard the Company's ship.

In the year 1682, Mr. Bridger embark'd for Port Nelson, where a factory was to be establish'd and a fort built, but before he arriv'd, Cap. Benjamin Gillam, master of a New England ship, and son of Cap. Gillam, commander of the *Prince Rupert*, then in the Company's service, settled at that factory, but had not been there above 14 days before Mr. Raddison and Cap. Gooselier, who deserted the English, arriv'd from Canada.

The Company having dismiss'd them their service, these two Frenchmen in revenge procured some merchants of Canada to undertake a settlement there. Gillam was not strong enough to repel them, but he remain'd at Port Nelson; where 10 days after Raddison and Gooselier's arrival, came Mr. Bridger. The French no sooner perceiv'd he was come, but they sent aboard his ship immediately, and commanded him to be gone, for that Mr. Raddison and Cap. Gooselier had taken possession of the place for the French King, their master.

Mr. Bridger, being warranted so to do by the Company's commission, unloaded some of his goods, and with all hands went to work in order to make a settlement. Raddison continu'd at Port Nelson, and Mr. Bridger and he became very intimate, which intimacy lasted from October, 1682, to the February following, when Raddison seized Bridger and Gillam, with all their people and effects.

Having kept them some months in a sort of imprisonment, about August the French put several of the Company's and Gillam's people aboard a rotten bark, and they were taken up by an English ship near Cape Henrietta Maria. Bridger and Gillam they carry'd with them to Canada, where Raddison and Gooselier ran some of their cargo ashoar, intending to defraud their employers. After which they made their escape, and got into France. The Company, having notice of it, writ to him, and he to the Company, promising, if they would forgive the injury he had done them, and employ him again at such a sallary, he would undertake to deliver the French, whom he had left there till he came again, to them, and seize all the furs they had traded for, which would make them satisfaction for the wrongs he had done them. Accordingly they forgave him and employ'd him again, and he took Port Nelson from his countrymen. But before his arrival Cap. John Abraham had been there with supplies of stores; and finding Mr. Bridger was gone, he stay'd himself and was continu'd Governor by the Company, in 1684.

In the preceding year, Mr. Nixon, Governour of Rupert's River, was recall'd, and Henry Sergeant, Esq. made Governour. By whose instructions we find the chief factory was remov'd from Rupert's to Moose-sebee, or Chickewan River which has ever since been call'd Albany River; where a fort was built, a factory settled, and the Governour made it the place of his residence. 'Tis the bottom of the Bay, below Rupert's River.*

He was order'd to come every spring, as soon as the trade was over, to Charlton Island and bring what goods he had with him,

* This is evidently the first time the English got a footing on the South-west side of James' Bay.

to wait for the arrival of the Company's ships. From thence he was to visit the other factories, and see that their merchandize was sent in due time to Charlton Island, to attend the ship's arrival.

The Governour of Canada, having given the Hudson's Bay Company to understand the French were very much offended at their discoveries * in these parts, Mr. Sergeant was ordered to be careful that he was not surpriz'd by them.

There is an island in the bottom of the Bay called Hayes Island, where a factory had been settled. This isle and Rupert's River were near the French, Albany being more to the southward ; and of these factories the company were most apprehensive that their enemies would endeavour to dispossess them.

The Company intended to plant a colony at Charlton Island, and order'd Mr. Sergeant to build a fort there, and always keep some men upon it. Warehouses were also built to receive the furs that were brought thither from the factories, and conveniences were made for the reception of such as were obliged to winter there.

Orders were also given to dismiss Cap. Gillam from their service for his son's offences ; and Cap. Sandford had same usage, on account of his relation to the Gillams. Cap. William Bond, who had been under Mr. Baily, was sent for home ; and other regulations made in the management of affairs, but all could not hinder the ruin of them all by the enemy.

The Company, by their Governours and agents, made such compacts with the captains or kings of the rivers and territories where they had settlements, for the freedom of trade there, exclusive of all others, that the Indians could not pretend they had encroach'd upon them. These compacts were render'd as firm as the Indians could make them, by such ceremonies as were most sacred and obligatory among them.

Now were the Company in possession of five settlements, viz., Albany River, Hayes Island, Rupert River, Port Nelson, and New

* Encroachments the French considered them.

Severn. Their trade at each of them was considerable. From Albany River they had generally 3,500 beavers a year; and by Mr. Sergeant's great care and fidelity, their commerce increas'd so much that the French began to be afraid all the Upland Indians might be drawn down to the Bay.* They knew they could do anything with King James II., who then reigned in England, and that no affront would make that prince break with Lewis the XIVth. Wherefore they resolv'd to drive the English out of all their places in the bottom of the Bay. First they took Hayes Island, and then the fort on Rupert's River. The French Company at Canada procur'd a detachment of soldiers to be sent under the Chevalier de Troyes, who came over land from Quebec, and in a time of profound peace committed these acts of hostility.

The 8th of July, 1686, the Chevalier de Troyes came before the fort at Albany River, where the Governour, Mr. Sergeant, then resided. Two Indians had inform'd him of their having surpriz'd the forts at Hayes Island and Rupert River, and had brought with them the great guns from those places.

Two hours after the English heard them discharge their guns, and saw some of them at a distance. Upon which part of the Company's servants declar'd they would not venture their lives unless they might be assur'd of pay, and sent John Parsons and John Garret, two of their number, in all their names, to the Governour, to tell him their resolutions. Mr. Sergeant, by promises and giving them cloaths and other necessaries, prevail'd with them to return to their charge. But in a day or two they mutiny'd again, and Elias Turner, the gunner, possess'd the people with an apprehension that it was impossible to hold out the place, declaring that for his part he would throw himself on the French. Accordingly he went to the Governour, and desir'd leave so to do; but being threat'ned to be shot to death in case he attempted it, he was at last perswaded to return to his post.

The English shot at the French as long as they appear'd in the brushes, and forc'd them to retire under the banks, where the

* Which is proof that the French still held that trade.

guns from the fort could not hit them. The French had found a way to bring their great guns through the woods, and had planted them on their battery before the English saw them.

The enemy's shot had made a breach in the flankers, and damaged the houses in the fort; upon which, and the repeated desires of the men, the Governour consented to a parley; Mr. Bridger assuring him the enemy were mining them, and they should certainly be blown up. Cap. Outlaw also agreed to capitulate, and the white flag was hung out; after which a treaty was concluded.*

At this time Thomas Phips, Esq., was Governour of Port Nelson, which was not then taken by the French; and the Company expected Fort Albany would have been restor'd to them in King James' time; but all their solicitations were in vain, and *all the settlements they had, Port Nelson excepted, were abandoned to the French.*

The war breaking out, as has been said, between the two nations, the Hudson's Bay Company solicited for soldiers to be sent thither to recover their settlements;† and in the year 1693 they retook all the forts and factories which the French had taken from them in time of peace.

In which expedition they met with no more difficulties than the Chevalier de Troyes had met with. Cap. Grinnington was the person employ'd for this service; and John Knight, Esq., was appointed Governour of Fort Albany; but his government was of no long continuance, for *in a little time the French sent such a power against the English, that they again drove them from all their settlements in the bottom of the Bay.*

The French Company made Monsieur de la Fores. Governour of Fort Albany, and garrison'd all the forts they had taken, which made it necessary for the government to send a stronger power than the Company could raise to recover them.

The King of England, to protect their trade, assign'd two men of war for their service, in the year 1696, as the *Bonaven-*

* This is given on page 132.

† In spite of the Treaty of Neutrality.

ture, Cap. Allen, Commander, and the *Seaford*. Cap. Allen coming into the River Hayes, sent to summon all the forts to surrender, and the French Governour finding he could not defend them against the English, capitulated, and on the 2d of August, 1696, surrender'd Albany Fort.

Cap. Allen took the Governour and some of his men aboard his own ship; some he put aboard the *Seaford*, and the rest aboard a merchantman call'd the *Dering*. In his return he fought the *Mary Rose*, frigate, then a French privateer of 50 guns, and was kill'd in the engagement, which gave the Frenchman an opportunity to bear away.

As to the other two forts, they followed the fate of Albany, and Mr. Knight was restored to his government; at which time John Geyer, Esq., was Governour of Port Nelson. Mr. Knight had serv'd Mr. Sergeant while he was Governour of Fort Albany, and was well acquainted with the trade.

In the year 1697, the *Hampshire*, frigate, and *Owner's Love*, fire-ship, two of the King's ships, were lost in this Bay, and all the men drown'd. Indeed the ice renders it so dangerous that the commerce seems to be not worth the risk that is run for it. Whether those two ships ran against those frozen mountains that float in that sea, or founder'd, is not known; but 'tis certain they were lost, and all the men perish'd.

In the present war they lost Port Nelson to the French, and have either given up or deserted all their settlements, except Fort Albany, where Mr. Knight manag'd their affairs till the year 1706, when he was succeeded by John Fullerton, Esq., the present Governour at Albany River.

OTHER ACCOUNTS.

La compagnie de la Baie d'Hudson a actuellement quatre factoreries, Churchill, le Fort York, Albany, et celle de la rivière de Moose. Le Fort York est réputé le plus important : il est situé sur le bras meridional de la rivière de Hayes, cinque lieues au-dessus de l'endroit où elle se jette dans la mer, à 57° 20' lat., et à 93° 58' de

longitude.*—*Histoire et Commerce des Colonies Anglaises dans l'Amerique Septentrionale*: London, 1755.

"The whole of the settlements in New Britain are as follows :—Abitibi, Frederick, East Main and Brunswick Houses, Moose Fort, Henley, Gloucester and Osnaburg Houses, and a House of Winnipeg Lake, Severn or New Severn, York Fort or Nelson, Churchill Fort or Prince of Wales' Fort, South Branch, Hudson's, Manchester and Buckingham Houses : the last is the westernmost settlement, and lately erected (1798.)

"Hudson's House, one of the Company's factories on the S. W. side of Saskatchewan River, 100 miles east of Manchester House, and 167 S. E. of Buckingham House, cr lat. $55^{\circ} 32'$, W. long. $106^{\circ} 27' 20''$."†—*American Gazetteer*. By Jedediah Morse, D.D. London, 1798.

Winterbotham's *Historical, Geographical, and Philosophical View of the United States, and of the European Settlements in America and the West Indies*, 1795, gives the following as the forts occupied by the Hudson's Bay Company. They were all on the shores of the Bay :

	N. Lat.	W. Lon.
Churchill,	$59^{\circ} 0'$	$94^{\circ} 30'$
York Fort,	$57^{\circ} 10'$	$93^{\circ} 0'$
Severn House,	$56^{\circ} 12'$	$88^{\circ} 57'$
Albany Fort,	$52^{\circ} 18'$	$85^{\circ} 18'$
Moore Fort,	$51^{\circ} 28'$	$83^{\circ} 15'$
East Main,	$53^{\circ} 24'$	$78^{\circ} 50'$

And he adds :

"The country lying round Hudson's Bay, or the country of the Esquimaux, comprehended Labrador, New Britain, and South

* The Hudson's Bay Company has at present four factories : Churchill, Fort York, Albany, and that of Moose River. Fort York is reputed the most important : it is situated on the south branch of the Hayes River, five leagues above the point where it runs into the sea, at 57 deg. 20 min. lat., and 93 deg. 58 min. long.

† This would be about the forks of the Saskatchewan. In another place this fort is said to be 600 miles west of Fort Churchill. The same statement is made in the folio edition of 1794.

Wales, has obtained the general name of New Britain, and is attached to the government of Lower Canada. A superintendent of trade, appointed by the Governor-General of the four Provinces, and responsible to him, resides at Labrador.

"Before the Canadian merchants pursued the fur trade with such diligence as they now do through the lakes, and had penetrated into the interior parts of Hudson's Bay, a great number of Indians used to come annually down to the Company's settlements to barter their skins; and although the Company have now in a great measure lost the benefit of this lucrative traffic, it may not be amiss to mention the manner in which the Indians prosecute their voyages to the factories.....

"The merchants from Canada have been heard to acknowledge that were the Hudson's Bay Company to prosecute their inland trade in a spirited manner, they must soon be obliged to give up all thoughts of penetrating into the country; as from the vicinity of the Company's factories to the inland posts, they can afford to undersell them in every branch.

"To explain this emulation between the Company and the Canadian traders, it will be necessary to review the state of the Company in the year 1773. About that time, the Canadian traders from Montreal, actuated by a laudable spirit of industry and adventure, and experiencing the peculiar advantages that resulted from their exertions, had become so numerous and indefatigable at the head of the rivers which led to the Company's settlements, that the trade of the latter was in a great measure cut off from its usual channels. The Indians being supplied with everything they could wish for at their own doors, had no longer occasion, as they had hitherto done, to build canoes, and paddle several hundred miles, for the sake of cultivating a commerce with the Company, in which peregrination they were frequently exposed to much danger from hunger; so much so, that at one time seven canoes of Upland Indians perished on their return to their own country."

Edmund Burke, in his *Account of the European Settlements in America*, says: "Certain British geographers agree with the

French, whose maps they have for a long time servilely and shamefully copied."

Again: "With regard to our claims in the Ohio and Mississippi, the rashness of some writers in a matter which is a public concern, seems to me very blamable, some of them timidly or ignorantly drawing our territories into a very inconvenient narrowness, whilst others have madly claimed all North America from sea to sea; some would give us very narrow bounds, whilst others would listen to no bounds at all." (1757.)

And again: "Posterity will, perhaps, think it unaccountable that, in a matter of such importance, we could have been so thoughtless as to have on our back such a nation as France, without determining, even sufficiently clear to settle our own demands, what part of the country was our own right, or what we determined to leave to the discretion of our neighbours; or that *wholly intent upon settling the sea coast*, we have never cast an eye into the country, to discover the necessity of making a barrier against them, with a proper force, which formerly did not need to have been a very great one, nor to be maintained at any great expense."

Salmon's *Modern History*, licensed by the King, Dec. 13, 1743, says: "As to Canada, or New France, the French would scarce admit it had any bounds to the north on this side the pole, till they were limited on that side by an article in the Treaty of Utrecht, which assigns New Britain and Hudson's Bay, on the north of Canada, to Great Britain. And Commissioners on both sides afterwards ascertained the limits,* by an imaginary line running from a cape or promontory of New Britain in the Atlantic Ocean, 58° 30' north latitude, and running from thence south-west to the Lake of Misconsink, or Mistassin, and from thence further south-west, indefinitely to the latitude of 49°, all the lands to the north of the said line being as-

* This is certainly a mistake, though it seems to have been generally believed. If the boundary had been agreed upon the Hudson's Bay Company would not be ignorant of the fact; nor would the French Governor of Canada, some years later, have claimed the Hudson's Bay for the northern boundary of his province.

signed to Great Britain, and all to the south of the said line, as far as the St. Lawrence, to the French.

"The eastern boundary of New France or Canada, the French admit, are the British plantations of Nova Scotia, New England, &c.; the southern boundary, the line which divides New France from Louisiana; and to the westward, the French extend the country of New France as far as the Pacific Ocean; and the Asiatic continent of Asia shall be found hereafter to be contiguous to North America,

"* * * However, as they [the French] have actually been possessed of some countries in Canada, between the River of St. Lawrence and New Britain or Hudson's Bay, for about one hundred years, and those countries seem to be confirmed to them, as far as the English had a right to confirm them, I shall readily allow their title to that part of Canada. But as to the rest of Canada and Louisiana, they cannot have a right to any part of them, notwithstanding the posts they have erected on those rivers. The eastern side of the Mississippi is the property of the Indians, subject to Great Britain, and the western side of it belongs to the Indians, who are under the dominion of the Spaniards; and we find the Spaniards asserting their title to it by demolishing the forts of Mons. de Salle and Mons. d'Iberville, erected on the west side of the river, and have as much right to demolish the forts the French have erected on the west side of it."

And the error about the boundary line of Canada having been determined is repeated: "And it was agreed [at Utrecht] that commissaires on the part of Great Britain and France should determine within a year the limits to be fixed between the said Bay of Hudson and the places appertaining to the French, which limits the subjects of Great Britain and France were not to pass over to each other by sea or land. And commissaires did afterwards settle the limits by an imaginary line, drawn from a promontory situate on the Atlantic Ocean, in $58^{\circ} 30'$, and running from thence south-west to the Lake of Misconsink, or Mistassin, and from thence south-west, indefinitely, to the latitude of 49° ; all the countries to the north being assigned to Great Britain, and all on

the south, between that line and the River of St. Lawrence or Canada, to France."

Another writer, who has paid particular attention to North America, believed the fable of a Spanish vessel having crossed the continent from the Pacific Ocean to Hudson's Bay: "It is alleged that the Spaniards have recently found an entrance in the latitude of $47^{\circ} 55'$ north, which in twenty-seven days brought them to the vicinity of Hudson's Bay; this latitude exactly corresponds to the ancient relation of John de Fuca, the Greek pilot, in 1592."—*Dalrymple's Plan for Promoting the Fur Trade*, 1789.

INSTRUCTIONS OF CAPT. GEO. VANCOUVER.

Captain Vancouver undertook a voyage of discovery to the North Pacific Ocean, in 1791, principally with a view to ascertain the existence of any navigable communication between the North Pacific and Atlantic Oceans, having command of the *Discovery* sloop of war, and the armed tender *Chatham*. His instructions were prepared

"By the Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland, &c.

"The King having judged it expedient that an expedition should be immediately undertaken for acquiring a more complete knowledge, than has yet been obtained, of the north-west coast of America; and, the sloop you command, together with the *Chatham* armed tender (the Lieutenant commanding which has been directed to follow your orders), having been equipped for that service, you are, in pursuance of his Majesty's pleasure, signified to us by Lord Grenville, one of his principal Secretaries of State, hereby required and directed to proceed, without loss of time, with the said sloop and tender, to the Sandwich Islands, in the North Pacific Ocean, where you are to remain during the next winter; employing yourself very diligently in the examination and survey of the said islands: and, as soon as the weather shall be favourable (which may be expected to be in February, or at latest in March, 1792), you are to repair to the north-west coast

of America, for the purpose of acquiring a more complete knowledge of it, as above mentioned.

"It having been agreed, by the late convention between his Majesty and the Catholic King (a printed copy of which you will receive herewith), that the buildings and tracts of land situated on the north-west coast above mentioned, or on islands adjacent thereto, of which the subjects of his Britannic Majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects, the Court of Spain has agreed to send orders for that purpose to its officers in that part of the world; but as the particular specification of the parts to be restored may still require some further time, it is intended that the King's orders, for this purpose, shall be sent out to the Sandwich Islands, by a vessel to be employed to carry thither a further store of provisions for the sloop and armed tender above mentioned, which it is meant shall sail from this country in time to reach those islands in the course of next winter.

"If, therefore, in consequence of the arrangement to be made with the Court of Spain, it should hereafter be determined that you should proceed, in the first instance, to Nootka, or elsewhere, in order to receive, from the Spanish officers, such lands or buildings as are to be restored to the British subjects, orders to that effect will be sent out by the vessel above mentioned. But if no such orders should be received by you previous to the end of January, 1792, you are not to wait for them at the Sandwich Islands, but to proceed in such course as you may judge most expedient for the examination of the coast above mentioned, comprized between latitude 60 deg. north and 30 deg. north.

"In which examination the principal objects which you are to keep in view are,

"1st, The acquiring accurate information with respect to the nature and extent of any water communication which may tend, in any considerable degree, to facilitate an intercourse for the purpose of commerce, between the north-west coast and the country upon the opposite side of the continent, which are inhabited or occupied by his Majesty's subjects.

"2dly, The ascertaining, with as much precision as possible, the number, extent and situation of any settlements which have been made within the limits above mentioned, by any European nation, and the time when such settlement was first made.

"With respect to the first object, it would be of great importance if it should be found that, by means of any considerable inlets of the sea, or even of large rivers communicating with the lakes in the interior of the continent, such an intercourse, as hath been already mentioned, could be established; it will, therefore, be necessary, for the purpose of ascertaining this point, that the survey should be so conducted as not only to ascertain the general line of the sea coast, but also the direction and extent of all such considerable inlets, whether made by arms of the sea, or by the mouths of large rivers, as may be likely to lead to, or facilitate, such communication as is above described.

"This being the principal object of the examination, so far as relates to that part of the subject, it necessarily follows, that a considerable degree of discretion must be left, and is therefore left to you, as to the means of executing the service which his Majesty has in view; but, as far as any general instructions can here be given on the subject, it seems desirable that, in order to avoid any unnecessary loss of time, you should not, and are therefore hereby required and directed not to pursue any inlet or river further than it shall appear to be navigable by vessels of such burden as might safely navigate the Pacific Ocean: but, as the navigation of such inlets or rivers, to the extent here stated, may possibly require that you should proceed up them further than it might be safe for the sloop you command to go, you are, in such case, to take the command of the armed tender in person, at all such times, and in such situations as you shall judge it necessary and expedient.

"The particular course of the survey must depend on the different circumstances which may arise in the execution of a service of this nature; it is, however, proper that you should, and you are, therefore, hereby required and directed to pay a particular attention to the examination of the supposed straits of

Juan de Fuca, said to be situated between 48 deg. and 49 deg. north latitude, and to lead to an opening through which the sloop *Washington* is reported to have passed in 1789, and to have come out again to the northward of Nootka. The discovery of a near communication between any such sea or strait, and any river running into or from the Lake of the Woods, would be particularly useful.

"If you should fail of discovering any such inlet, as is above mentioned, to the southward of Cook's River, there is the greatest probability that it will be found that the said river rises in some of the lakes already known to the Canadian traders, and to the servants of the Hudson's Bay Company; which point it would, in that case, be material to ascertain; and you are, therefore, to endeavour to ascertain accordingly, with as much precision as the circumstances existing at the time may allow: but the discovery of any similar communication more to the southward (should any such exist) would be much more advantageous for the purposes of commerce, and should, therefore, be preferably attended to, and you are, therefore, to give it a preferable attention accordingly. . . . Given under our hands the 8th of March, 1791."

"CHATHAM.

"RD. HOPKINS.

"HOOD.

"J. T. TOWNSEND."

"*To George Vancouver, Esq.,
Commander of His Majesty's
Sloop the Discovery, at Fal-
mouth.*"

"By command of their Lordships,
"PH. STEPHENS."

CAPTAIN MIDDLETON TO A. DOBBS, ESQ.

Jan'y 1742-3.

"I have seriously considered your proposition of laying open the Hudson's Bay trade, and settling the country higher up, upon those great rivers which run into the Bay; and though I may agree with you in the great advantage the public would receive from such a settlement, (could it be made) both as to their trade, and the cutting off communication with the Mississippi, yet I must declare my opinion, that it is altogether impracticable upon many accounts; for I cannot see where we could find people enough that would be willing or able to undergo the fatigue of travelling in those frozen climates, or what encouragements would be sufficient to make them attempt it, with such dangerous enemies on every side; no Europeans could undergo such hardships as those French that intercept the English trade, who are inured to it, and are called by us wood-runners (or *coureurs des bois*), for they endure fatigues just the same as the native Indians, with whom they have been mixed and intermarried for two or three or more generations.

"As to the rivers you mention, none of them are navigable with anything but canoes, so small that they carry but two men, and they are forced to make use of land carriages near the fourth part of the way, by reason of water-falls during that little summer they enjoy.

"*Out of 120 men and officers the company have in the Bay, not five are capable of venturing in one of those canoes, they are so apt to overturn and drown them. Many of our people have been twenty years and upwards there, and yet are not dexterous enough to manage a canoe; so there would be no transporting people that way.*"

OFFICIAL DESCRIPTIONS OF THE BOUNDARIES OF CANADA.

DESCRIPTIONS IN THE COMMISSIONS OF FRENCH GOVERNORS OF CANADA.

Provisions en faveur du Sieur de Lauzon, de la charge de Gouverneur et Lieutenant-General du Roi en Canada, du 17me Janvier, 1651, donnant en charge du Gouverneur et notre Lieutenant Général dans toute l'étendue du Fleuve Saint Laurent, en la Nouvelle France, isles, et terres adjacentes de part et d'autre dudit fleuve, et autres rivières qui se déchargent en icelui jusqu'à son embouchure, à prendre dix lieues près de Miscou, du côté du sud et du côté du nord, autant s'étendent les terres dudit pays, de la même sorte, et tout ainsi que l'avoit, tenoit et exerçait le Sieur Daillebout.—Commissions des Gouverneurs et Intendants, T. II. p. 1651.*

The extent of country here mentioned is repeated in the Lettres Patentes du Gouverneur de la Nouvelle France, en faveur du Viscomte d'Argenson, du 26me Janvier, 1657; in the Lettres Patentes du Roi, qui établissent le Sieur de Mezy, Gouverneur pour trois ans dans l'étendue du fleuve Saint Laurent dans la Nouvelle France, à la place du Sieur du Bois d'Avangour rappelé par sa Majesté, du premier Mai, 1663.†

The expression depuis le Nord du Canada jusques à la Virginie, is used in the commission of M. le Barrois, April 8, 1685, as agent-general for the Compagnie des Indes Occidentales.

* Provision in favour of Sieur de Lauzon, appointing him Governor and Lieutenant of the King, January 17, 1651, "over the whole extent of the river St. Lawrence, in New France, the isles and lands adjacent, on both sides of the said river and the other rivers that discharge therein, as far as its mouth, taking in ten leagues near to Miscou, on the south, and on the north as far as the lands of the said country extend (du nord, autant s'étendant les terres dudit pays), in the same manner that it was held and exercised by Sieur Daillebout."—*Commissions des Gouverneurs et Intendants*, T. II. p. 1651.

† Letters Patent appointing Sieur de Mezy, Governor for three years over the country traversed by the St. Lawrence, (dans l'étendue du fleuve St. Laurent) in New France, in the place of Sieur du Bois d'Avangour, recalled by the King on the 1st May, 1663.

The description in the prolongation de la Commission de Gouverneur et Lieutenant-Général à Quebec, accordée par le Roi au Sieur Huault de Montmagny, du 6me Juin, 1685, makes him Lieutenant-General representing the person of the sovereign at Quebec, et dans les Provinces arrosées du fleuve Saint Laurent et des autres rivières qui se de déchargent en icelui, et lieu qui en dépendent en la Nouvelle France.*

The "lettres patentes du Lieutenant-Général du Canada et autres pays, pour le Sieur de la Roche, du 12me Janvier, mille cinq cent quatre-vingt dix-huit," make him "Lieutenant-Général ès dits pays de *Canada, Hochelaga, Terres-neuves, Labrador, Rivière de la Grande Baye, de Mozambique*, et terres adjacentes desdites Provinces et rivières, lesquelles étant de grande longueur et étendue de pays sans icelles être habitées par sujets de Prince Chrétien. * * * Pourvû toutefois que ce ne soient pays occupés ou étant sous la sujétion et obeissance d'aucuns princes et potentats, nos amis, alliès et confédérés."†

The commission of M. Talon, of March 23, 1665, makes him "Intendant de la Justice, Police et Finances, en Canada, Acadie, Terreneuve, et autres pays de la France Septentrionale."‡

The commission of M. de Bouteroue, April 8, 1688, Intendant, is in the same terms as that of M. Talon.

The commission of M. Bigot, January 1st, 1748, makes him Intendant of Justice, Police, Finances, and Marine, "en nôtre pays de Canada, la Louisianne, et dans toutes les terres et isles dépendantes de la Nouvelle France." §

* And in the Provinces watered by the St. Lawrence, and the rivers which discharge into it, and the places that depend thereon in New France.

† The letters patent appointing Sieur de la Roche, January 12, 1598, make him Lieutenant-General of Canada, Hochelaga, Newfoundland, Labrador, the River of the Great Bay, of Mozambique, and the adjacent lands, provinces, and rivers, which are of great length and extent of country, not inhabited by the subjects of any Christian Prince. * * * * Provided always that it shall not embrace any country occupied and under the subjection of any Christian Princes and potentates, our friends, allies and confederates.

‡ Intendant of Justice, Police and Finances, in Canada, Acadie, Newfoundland, and other countries of Northern France.

§ In our country of Canada, Louisiana, and in all the lands and islands dependent on New France.

DESCRIPTIONS IN COMMISSIONS AFTER THE CONQUEST.

The commission of Jas. Murray, Esq., Captain-General and Governor-in-Chief of the Province of Quebec, is dated Nov. 21, 1763, recorded at the Treasury Chambers next day, and in the Register's office in Quebec, June 7, 1766 :

George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth, to our trusty and well-beloved James Murray, Esquire, Greeting :

We, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said James Murray, of Our special grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you, the said James Murray, to be Our Captain-General and Governor-in-Chief in and over Our Province of Quebec, in America ; bounded on the Labrador coast by the River St. John, and from thence by a line drawn from the head of that river, through Lake St. John, to the south end of Lake Nipissim, from whence the said line crossing the River St. Lawrence and the Lake Champlain in forty-five degrees of northern latitude, passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea ; and also along the north coast of the Baye des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosiers ; and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River St. John.

COMMISSION OF VICE-ADMIRAL.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, to our beloved James Murray, Esquire, Our Captain-General and Governor-in-Chief in and over our Province of Quebec, in America, Greeting :

We, confiding very much in your fidelity, care, and circumspec-

tion in this behalf, do by these presents, which are to continue during Our pleasure only, constitute and depute you, the said James Murray, Esq., Our Captain-General and Governor-in-Chief aforesaid, Our Vice-Admiral, Commissary, and Deputy in the office of Vice-Admiralty in Our Province of Quebec aforesaid, and territories thereon depending, and in the maritime parts of the same and thereto adjoining whatsoever; with power of taking and receiving all and every the fees, profits, advantages, emoluments, commodities, and appurtenances whatsoever due and belonging to the said office of Vice-Admiral, Commissary, and Deputy, in Our said Province of Quebec, and territories depending thereon, and maritime ports of the same and adjoining to them whatsoever, according to the ordinances and statutes of Our High Court of Admiralty in England.

And We do hereby remit and grant unto you the aforesaid James Murray, Esq., Our power and authority in and throughout Our Province of Quebec aforementioned, and territories thereof, and maritime ports whatsoever of the same and thereto adjacent, and also throughout all and every the sea-shores, public streams, ports, fresh water rivers, creeks and arms as well of the sea as of the rivers and coasts whatsoever of Our said Province of Quebec, and territories dependent thereon, and maritime ports whatsoever of the same and thereto adjacent, as well within liberties and franchises as without.

[This commission bears date March 19, 1764. The expression "Our Province of Quebec and territories thereon depending," or "territories depending on the same," or "territories dependent thereon," occurs seven or eight times.]

The first commission of Guy Carleton, Esquire, as Lieutenant-Governor of the Province of Quebec, dated April 7, 1766, has no other description than is contained in the words "Province of Quebec, in America." But in his appointment of Francis Maseres as Attorney-General, the attesting clause of the commission reads: "Witness Our trusty and well-beloved the Honourable Guy Carleton, Esquire, Our Lieutenant-Governor and Commander-in-Chief in and over Our said Province of Quebec, and the *territo-*

ries depending thereon in America, at Our Castle of St. Lewis, in Our City of Quebec, the twenty-fifth day of September, in the year of Our Lord one thousand seven hundred and sixty-six, and in the sixth year of Our reign.

(Signed) GUY (L. S.) CARLETON.

COMMISSION OF THE PROVOST-MARSHAL.

George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. To all to whom these presents shall come,

Greeting :

Know ye, that We, for divers good causes and considerations Us hereunto moving, of Our special grace, certain knowledge and mere motion, have given and granted, and by these presents for Us, Our heirs and successors, do give and grant unto Our trusty and well-beloved Nicholas Turner, Esq., the office of Provost-Marshal of Our said Province of Canada, and him the said Nicholas Turner, Provost-Marshal of our said Province of Canada, We do, for Us, Our heirs and successors, make, ordain and constitute by these presents.

Dated September 23, 1763.

[The commission of Henry Ellis, Esquire, Clerk of the Council, Commissary or Steward General of Provisions and Stores, and Clerk of the Enrolments, dated April 30, 1763, contains the word Canada instead of Province of Quebec.]

George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. To all to whom these presents shall come,

Greeting :

Know ye that We, reposing especial trust and confidence in the faithfulness, experience, and ability of Our trusty and well-beloved Henry Ellis, Esquire, of Our special grace, certain knowledge and mere motion, have given and granted, and by these presents for Us, Our heirs and successors, do give and grant unto the said Henry Ellis, the offices and places of Secretary and Clerk of the Council

of Our Province of Canada, and of Commissary or Steward-General of all such provisions and stores as are or shall be from time to time provided and sent for the forces of Us, Our heirs or successors, in Our said Province, and Clerk for the inrolling and registering all deeds and conveyances made and passed in that Our Province, and also all bills of sale and letters patent, or other acts or matters usually inrolled, or which by the laws of that Province shall be directed to be inrolled.

And him, the said Henry Ellis, Secretary and Clerk of the Council of Our said Province of Canada, and Commissary or Steward-General of all such provisions and stores as are or shall be, from time to time, provided and sent for the forces of Us, Our heirs or successors, in Our said Province of Canada, and Clerk of Inrolments, for inrolling and registering of all deeds and conveyances made and passed in that Our Province, and also all bills of sale and letters patent, or other acts or matters usually inrolled, or which by the laws of that Our Province shall be directed to be inrolled, We do make, ordain and constitute by these presents.

[Commissions of Justices of the Peace, under the Public Seal of the Province, for the District of Montreal or Quebec, as the case might be, contained the words "in Our Province of Quebec."]

DESCRIPTION IN THE COMMISSION OF GUY CARLETON AS GOVERNOR
UNDER THE QUEBEC ACT.

"Our Province of Quebec, in America, comprehending all the territories, islands and countries in North America, bounded by a line from the Bay of Chaleurs along the high lands which divide the rivers that empty into the St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude on the eastern bank of the River Connecticut, keeping the same latitude directly west through the Lake Champlain, until in the same latitude it meets with the River St. Lawrence; from thence up the eastern bank of the said river to the Lake Ontario, thence through the Lake Ontario, and the river commonly called Niagara; and thence along by the eastern and south-eastern bank of Lake Erie, following the said bank until the

same shall be intersected by the northern boundary granted by the Charter of the Province of Pennsylvania, in case the same shall be so intersected, and from thence along the said northern and western boundaries of the said Province until the said western boundary strikes the Ohio ; but in case the said bank of the said Lake shall not be found to be so intersected, then following the said bank until it shall arrive at the point of the said bank which shall be nearest the north-western angle of the Province of Pennsylvania, and thence by a right line to the said north-western angle of the said Province; thence along the western boundary of the said Province, until it strikes the Ohio, and along the said bank of the said river westwards to the banks of the Mississippi, and northward along the eastern bank of the said river to the southern boundary [of the territory*] granted to the merchant adventurers of England trading to Hudson's Bay."

DESCRIPTION IN THE COMMISSION OF CAPT.-GENERAL AND GOVERNOR
IN CHIEF TO HIS EXCELLENCY SIR GUY CARLETON, K. B., NOW
LORD DORCHESTER, DATED 22ND APRIL, 1786.

"—have thought fit to appoint you, the said Guy Carleton, to be Our Captain-General and Governor-in-Chief in and over Our Province of Quebec, in America, comprehending all our territories, islands and countries in North America ; bounded on the south by a line from the Bay of Chaleurs along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westmost head of Connecticut River ; thence down along the middle of that river to the forty-fifth degree of north latitude ; from thence by a line due west on said latitude until it strikes the River Iroquois or Cataraqui ; thence along the middle of the said river into Lake Ontario ; through the middle of the said Lake until it strikes the communication by water between that Lake and Lake Erie ; through the middle of said Lake until it arrives at the water communication between that Lake and Lake Huron ;

* It is evident that the words within brackets were omitted by error in the copy from which I transcribe.

thence through the middle of said Lake to the water communication between that Lake and Lake Superior; thence through Lake Superior northward to the Isles Royal and Philippeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods; thence through the said Lake to the most north-western point thereof; and from thence on a due west course to the River Mississippi and northward to the southern boundary of the territory granted to the merchant adventurers of England trading to Hudson's Bay."

BOUNDARY LINE BETWEEN NEW YORK AND CANADA.

An Order of the King in Council, confirming the boundary line between the Provinces of New York and Quebec, fixed by Sir Henry Moore, the Governor of New York, and Brigadier General Carleton, Lieutenant-Governor of Quebec, at a meeting held for that purpose; and regulating the claims made by His Majesty's new Canadian subjects to lands situated on the south side of that line.

At the Court of St. James's, the 12th day of August, 1768: Present the King's Most Excellent Majesty, Duke of Grafton, Duke of Rutland, Duke of Queensbury, Marquis of Granby, Earl of Litchfield, Earl of Hillsborough, Earl of Shelburne, Viscount Weymouth, Viscount Falmouth, Viscount Barrington, Viscount Villiers, Lord North, James Stuart McKenzie, Esq., Thomas Hartley, Esq., Sir Edward Hawke.

Whereas there was this day read at the Board a report from the Right Honourable the Lords of the Committee of Council for Plantation affairs, dated the ninth of this instant, upon considering a report made by the Lords Commissioners for Trade and Plantations, upon an extract of a letter from Sir Henry Moore, Governor of New York, to the Earl of Shelburne, dated the 16th January last, relative to the settling of the boundary line between that Province and Quebec; by which report it appears that it having been mutually agreed upon between Sir Henry Moore and the Commander-in-Chief of the Province of Quebec, at a meeting for that

purpose appointed, that the line of division between these Provinces should be fixed at the 45th degree of north latitude, conformable to the limits laid down in His Majesty's proclamation of October, 1763; and it having been ascertained and determined by proper observations where the said line would pass, it is therefore proposed that these proceedings above stated should be confirmed by His Majesty.

His Majesty, taking the said report into consideration, was pleased, with the advice of his Privy Council, to approve thereof, and doth hereby confirm the said proceedings above stated, and order that the said line of division be run out and continued as far as each province respectively extends.

Provided that nothing herein contained shall extend to affect the properties of His Majesty's new subjects having possessions under proper titles on those parts of the lands on the south side of the line, the dominion of which was not disputed on the part of the Crown of Great Britain.

And provided also, that this determination shall not operate wholly to deprive His Majesty's new subjects of such concessions on the south side of the said line, on which they may have made actual settlement and improvement, although the lands may have been disputed by Great Britain; but that such possessors shall be entitled to so much of the said concessions as shall be proportioned to their improvements, at the rate of fifty acres for every three acres of improvement, provided they take out grants for the same under the seal of the Province of New York, subject to the usual quit rents.

And provided, also, that the grant to no one person shall exceed twenty thousand acres.

And the governors or commanders-in-chief of His Majesty's said Provinces of New York and Quebec for the time being, and all others whom it may concern, are to take notice of His Majesty's pleasure hereby signified, and govern themselves accordingly.

(Signed) STEPH. COTTRELL.

THE HUDSON BAY COMPANY'S GRANT TO THE EARL OF SELKIRK.

Whereas the Governor and Company of Hudson's Bay have ceded to the Right Honourable Thomas, Earl of Selkirk, his heirs and successors, for ever, all that tract of land or territory bounded by a line running as follows, viz.: Beginning on the western shore of Lake Winnipic, at a point in fifty-two degrees and thirty minutes north latitude; and thence running due west to Lake Winipigashish, otherwise called Little Winnipic; then in a southerly direction through the said lake, so as to strike its western shore in latitude fifty-two degrees; then due west to the place where the parallel of fifty-two degrees north latitude intersects the western branch of Red River, otherwise called Assiniboine; then due south from that point of intersection to the height of land which separates the waters running into Hudson's Bay from those of the Mississouri and Mississippi Rivers; then in an easterly direction along the height of land to the source of the River Winnipic, (meaning by such last named river the principal branch of the waters which unite in the Lake Saginagas,) thence along the main stream of those waters and the middle of the several lakes through which they pass, to the mouth of the Winnipic river; and thence in a northerly direction through the middle of the Lake Winnipic, to the place of beginning: which territory is called Ossiniboia, and of which I, the undersigned, have been duly appointed Governor:

And whereas, the welfare of the families at present forming settlements on the Red River, within the said territory, with those on the way to it, passing the winter at York and Churchill Forts in Hudson's Bay, as also those who are expected to arrive next autumn, renders it a necessary and indispensable part of my duty to provide for their support in the yet uncultivated state of the country; the ordinary resources derived from the buffalo and other wild animals hunted within the territory are not deemed more than adequate for the requisite supply: Wherefore, it is hereby ordered, that no persons trading in furs or provisions within the territory, for the Honourable Hudson's Bay Company or the

North-west Company, or any individual or unconnected traders or persons whatever, shall take out any provisions, either of flesh, fish, grain, or vegetables procured or raised within the said territory, by water or land carriage, for one twelvemonth from the date hereof, save and except what may be judged necessary for the trading parties at this present time within the territory to carry them to their respective destinations, and who may on due application to me obtain a license for the same. The provisions procured and raised as above shall be taken for the use of the colony ; and that no loss may accrue to the parties concerned, they will be paid for by British bills at the customary rates. And be it hereby further made known, that whosoever shall be detected in attempting to convey out, or shall aid and assist in carrying out, or attempting to carry out, any provisions prohibited as above, either by water or land, shall be taken into custody, and prosecuted as the laws in such cases direct; and the provisions so taken, as well as any goods and chattels, of what nature soever, which may be taken along with them, and also the craft, carriages and cattle instrumental in conveying away the same to any part but to the settlement on Red River, shall be forfeited.

Given under my hand at Fort Daer (Pembina), the 8th day of January, 1814.

(Signed)

MILES M'DONELL, *Governor.*

By order of the Governor,

(Signed)

JOHN SPENCER, *Secretary.*

PROPOSED EXCHANGE OF PLACES.

ALTERNATIVES PROPOSED BY FRANCE.

Mr. Vernon, Secretary of State, to Lord Lexington, communicating the alternatives proposed by the Ambassador of France, regarding the boundaries between France and England in America, April 29, 1700, to the Board of Trade and Plantations.

MY LORD,—Having received the alternative from the French Ambassador, I send your lordship a copy of it, that it may be considered at your board by Wednesday next.

I am, my Lord, &c.,

(Signed) JA. VERNON.

“Par la première alternative, je propose que la France garde le Fort Bourbon et l’Angleterre celui de Chichitouan, ayant de part et d’autre pour limites entre les deux nations de ce côté, le ——— qui est justement à moitié chemin entre les deux forts susdits, et en ce cas là les limites de la France, du côté de l’Acadie, seroient restraints à la Rivière Saint George.

“Par la deuxième alternative je propose que le fort de Chichitouan reste à la France, et le Fort de Bourbon à l’Angleterre, ayant pour limites ce même endroit, dont je viens de parler cidessus ; mais en cas l’on demande que les limites de la France, du côté de l’Acadie, s’étendent jusqu’à la Rivière Kenibeki.

“Quant à la pêche, comme toute commerce est défendu entre les deux nations dans les colonies, et que sous le prétexte de venir pêcher ou ne manqueroit pas de venir trafiquer en contrabande, l’on croit que, suivant l’usage déjà établi en ces pays là, il faut que la pêche soit défendue hors de la portée de la vue ; mais comme il survient toujours des incidens quant il n’y a point une distance déterminée, on demande qu’elle soit fixée a huit lieues, et que par le même raison et crainte des mêmes inconvéniens qu’on vient d’exposer, les isles qui se trouveront compris dans cet espace là

appartiennent à celle des deux nations sur le côté dans laquelle elles se trouveront.*

OBSERVATIONS OF THE BOARD OF TRADE AND PLANTATIONS ON
THE ABOVE.

What the interest of the Hudson Bay Company may be in keeping Fort Chichitouan, alias Fort Albany, or exchanging it for Fort Bourbon, alias York, they themselves can best determine.

* * * * *

The proposal for settling limits between the English and French in Hudson's Bay is groundless; for by the late Treaty of Peace, Art. 8, the only right reserved to the French in Hudson's Bay is in relation to those places which were taken from the English by the French during the peace which preceded the late war, and retaken from them by the English during the said war, which cannot imply any extent of territory more than the places so taken and possessed; and the Hudson's Bay Company challenging an undoubted right to the whole Bay, antecedent to any pretence of the French, it is necessary they be consulted before any concession of territories be made to the French in those parts.

I do hereby certify that these papers are true copies, compared with the originals in the books of this office.

(Signed)

THOMAS HILL.

Plantation Office, Whitehall,

July 12, 1750.

* By the first alternative, I propose that France keep Fort Bourbon, and England that of Chichitouan, having for limits between the two nations in that quarter the ———, which is exactly half-way between the two Forts; and in that case, the limits of France, on the side of Acadie, shall be restricted to the River St. George.

By the second alternative, I propose that Fort Chichitouan shall remain with France, and that of Bourbon with England, having for limits the same place of which I spoke above; but in that case I demand that the limits of France in Acadie should extend to the Kenebec.

As to the fishery, as all commerce between the colonies of the two nations is forbidden, and as under the pretext of fishing a contraband trade would be sure to be carried on, it is thought, according to the usage established in that country, the fishery should be prevented as far as the eye can reach; but as difficulties always arise when a determined distance is not agreed upon, it is proposed to fix it at eight leagues, and that for the same reason, and for fear of the same inconvenience, the islands which are found comprised within this space should belong to whichever of the two nations on the shores of which they are situated.

NEGOTIATIONS FOR THE PEACE OF UTRECHT.

PRELIMINARY DEMANDS FOR GREAT BRITAIN.

April, 1711.

Newfoundland and the Bay of Hudson shall be entirely restored to the English. Great Britain and France shall respectively keep and possess all the countries, dominions, and territories in North America which each of these nations shall possess at the time that the ratification of this treaty shall be published in those parts of the world.

REPLY OF THE FRENCH KING.

La discussion decet article sera rémise aux conférences générales de la paix ; bien entendu que la faculté de pêcher et de secher la nolu (*sic*) sur l'Isle de Terrebonne, sera réservée aux François.*

GENERAL PLAN OF PEACE FOR GREAT BRITAIN.

(4.) The King [of the French] will give up the Province of Acadia, with the Town of Port Royal and its dependencies, to Great Britain, as also Hudson's Straits and Bay.

(5.) In the countries of North America ceded to Great Britain, the French shall be at liberty to withdraw their effects, as also His Majesty to withdraw the cannon and warlike stores.

D. England demands that the town of Placentia remain in its present state.

That the cannon and warlike stores in Hudson's Bay remain for England.

R. His Majesty offers to let the fortifications of Placentia remain as they are, upon giving up that place to England ; to consent to the demand made of the cannon in Hudson's Bay, and, besides, to cede the Island of St. Bartholomew ; to give up even

* The discussion of this article shall be referred to the general conferences of the peace, provided the liberty of fishing and drying cod fish upon the Isle of Newfoundland be reserved to the French.

the right to fish and dry cod on the coast of Newfoundland, if the English will restore Acadia, for these new concessions proposed as an equivalent.

In this case, His Majesty consents that the river St. George should be the boundary of Acadia, as England insists.

Should the plenipotentiaries of that Crown refuse to enter into any expedient for the restitution of Acadia, the King, rather than break off the negotiation, will comply with their demands already made; that is to say, to give up Placentia fortified, and the cannon in Hudson's Bay; it being well understood that the offer to cede the Islands of St. Martin and St. Bartholomew, and that of the foregoing right to fish and dry cod upon the coast of Newfoundland, are also to be considered as if they had never been made.

(6.) After the peace, Commissioners shall be appointed on both sides to ascertain, within the compass of a year, the boundaries of Canada, or New France, on one side, and of Acadia and the land of Hudson's Bay on the other, and to settle, in a friendly manner, all just and reasonable recompenses insisted upon on both sides for injuries done prejudicial to the rights of peace and war.

(7.) The boundaries being once settled, the subjects of both Crowns shall be reciprocally prohibited from passing the same, whether by sea or land; as also from disturbing the trade of the subjects of each nation, and molesting the Indian nations, allies or subjects of the Crown. [Whom had the French for allies?]

Mesnager, the French Ambassador, gave in this answer, with others, on the 27th Sept. (Oct. 8, N.S.), 1711, promising, in the name of his said Majesty, that the said answers shall be looked upon as conditions that he agrees to grant, of which the articles shall be reduced into the ordinary form of treaties, and explained, after the most clear and intelligent manner, to the common satisfaction of France and Great Britain, and this in case of the signing of the treaty of the general peace.

REPORT OF THE FRENCH PLENIPOTENTIARIES TO THE KING.

Extract from the account given by the French Plenipotentiaries to Louis XIV. in their despatch of April 18, 1712.

Nous avons fait tous nos efforts pour régagner l'Acadie ou du moins conserver Terre-neuve, mais il nous a été absolument impossible d'en venir à bout. Ils nous ont protesté cent fois qu'ils avaient ordre exprès de tout rompre plutôt que de se relâcher sur l'un et sur l'autre, aussi bien que sur le Détroit de la Baie d'Hudson, ou ils prétendent même que tout le canon leur demeure; nous ne les en aurions pas cru sur parole si le Sieur Gautier ne nous avait confirmé la même chose.

Comte de Pontchartrain remarked on the project of the English that it would have to be considered whether the savages were subjects; if so, they could not pass the limits that would be fixed; if not, there was no right to make any rule regarding them. Lord Bolingbroke agreed to "defendre aux sujets de France et d'Angleterre de passer les limites lorsqu'elles auront été fixées."*

MÉMOIRE TOUCHANT L'AMÉRIQUE.

St. Jean à Monsieur de Torcy, de Whitehall, ce 24me Mai, V. S., 1712. (Written in French.)

Pour terminer toutes les disputes survenues à l'égard de l'Amérique Septentrionale, la Reine propose :

Premièrement. Que Sa Majesté Très-Chrétienne lui cède l'île

* We have made every possible effort to regain Acadia, or at least to retain Newfoundland; but it has been impossible for us so to conclude the matter. They [the English Plenipotentiaries] have protested a hundred times that they had express orders to break off the negotiations rather than to give way on either point, or upon that of Hudson's Bay, where they claim even the cannon; we should not have taken their word for this if le Sieur Gautier had not confirmed what they said.

Count de Pontchartrain remarked on the project of the English that it would have to be considered whether the savages were subjects; if so, they could not pass the limits that would afterwards be fixed; if not, there would be no right to make any rule regarding them. Lord Bolingbroke agreed to prohibit the subjects of France and England from passing over the boundary when it had once been established.

de Terre-neuve, avec Plaisance, et les fortifications, artillerie, et munitions y appartenantes, les petites îles adjacentes, et les plus proche à l'île de Terre-neuve, comme aussi Nova Scotia ou l'Acadie, selon les limites anciennes.

Secondement. Que les sujets de Sa Majesté Très Chrétiénne continuent de pêcher et de secher leur poisson sur la partie de Terre-neuve qui s'appelle le Petit Nord, mais point dans autre partie de ladite île.

Troisièmement. Que les sujets de sadite Majesté puissent jouir en commun avec ceux de la Reine de l'île du Cap Bréton.

Quatrièmement. Que les îles dans le Golphe de St. Laurent et dans l'embouchure de la rivière de ce nom, qui sont présentement occupées par les François, demeurent à Sa Majesté Très-Chrétiénne, mais expressément à condition, que sadite Majesté s'engage de ne pas élever, ou permettre qu'on élève aucune fortification dans ces îles, ou dans celle du Cap Bréton. Sa Majesté la Reine s'engageant aussi de ne point fortifier, ni laisser fortifier dans les îles adjacentes et les plus proches de Terre-neuve, ni dans celle du Cap Breton.

Cinquièmement. La Reine insiste d'avoir le canon et les munitions de guerre dans tous les forts et places de la Baie et du Déroit de Hudson.*

* *St. John to the Monsieur de Torcy, Whitehall, May 24, O.S., 1712. (Written in French.)*

To terminate all the disputes which have arisen with regard to America the Queen proposes :

Firstly. That His Most Christian Majesty shall cede to her the Island of Newfoundland, with Plaisance, and the fortifications, artillery, and munitions thereto belonging, the small isles adjacent and the nearest to Newfoundland, as well as Nova Scotia or Acadie, according to its ancient limits.

Secondly. That the subjects of His Most Christian Majesty shall continue to fish and dry their fish on the part of Newfoundland called le Petit Nord, but not in any other part of the island.

Thirdly. That the subjects of His said Majesty shall enjoy, in common with those of the Queen, the Isle of Cape Breton.

Fourthly. That the isles in the Gulf of St. Lawrence and in the embouchure of the river of the same name, which are at present occupied by the French, shall remain to His Most Christian Majesty, but expressly on the condition that His said Majesty engages not to erect, or permit to be erected, any fortification in these isles or on those of Cape Breton. Her Majesty the Queen also engages not to fortify, nor to permit for-

REPOSE DU ROI AU MÉMOIRE DE LONDRES, LE 5ME JUIN, V.S.,
1712.

Article *Première*.—Sa Majesté consent de céder à la Reine de la Grande Bretagne l'île de Terre-neuve avec la ville de Plaisance, fortifiée, mais l'artillerie et les munitions dont cette place est pourvue en seront retirées, et ne seront pas comprises dans la cession qui sera faite de la place et de l'île, car elles ne sont attachées ni à l'une ni à l'autre, et pour user d'une comparaison commune, on peut regarder l'artillerie and les munitions d'une place comme les meubles d'une maison qu'un particulier emporte lorsqu'il cède cette même maison par un contrat volontaire. Les îles adjacentes à celle de Terre-neuve, n'ont été ni demandées ni promises, par les articles signés à Londres, au mois d'Octobre dernier : comme ils ont servi de règle au commencement et au progrès de la négociation présente l'intention du Roi est de suivre exactement cette même règle, comme la plus sûre pour parvenir à la conclusion du *Traité*, et Sa Majesté est persuadée que la Reine de la Grande Bretagne, fidelle à sa parole, n'insistera pas sur une demande nouvelle, et qui ne se trouve pas dans la convention signée au nom de cette Princesse. Le Roi veut bien ajouter à cette convention la cession de l'Acadie selon ses anciennes limites, ainsi qu'elle est demandée par la Reine de la Grande Bretagne.

Seconde.—Les articles signés à Londres réservent aux sujets du Roi la faculté de pêcher et de sécher les morues sur l'île de Terre-neuve ; une disposition faite de gré à gré ne se peut restreindre ni recevoir de changement que ceux qu'on juge reciproquement être conforme à l'utilité commune. Sur ce fondement, le Roi offre à l'Angleterre de lui laisser l'artillerie et les munitions de Plaisance, les îles adjacentes à celle de Terre-neuve, d'interdire aux François la liberté de pêcher and de sécher la morue sur la côte de cette île, même sur la partie nommée le Petit Nord, d'ajouter à ces conditions la cession des îles de St. Martin et de St. Bartholemy,

tifications to be erected, in the adjacent isles which are nearest to Newfoundland, nor in those of Cape Breton.

Fifthly. The Queen insists on having the cannon and the munitions of war in all the forts and places of the Bay and Straits of Hudson.

voisines de celle de St. Christophe, si moyennant cette offre nouvelle, la Reine de la Grande Bretagne consent à restituer l'Acadie, dont la Rivière St. George sera désormais les limites, ainsi que les Anglais le prétendoient autrefois. Il est donc au choix de la Reine de la Grande Bretagne, ou de s'en tenir aux articles signés à Londres, ou d'accepter l'échange que Sa Majesté propose. En ce dernier cas, Sa Majesté apporterait toutes les facilités qui dépendroient d'elle pour terminer, à l'Angleterre, l'affaire de ce rangon de l'île de Nieves (Nevis).

Troisième.—Comme un des principaux fruits de la paix sera, s'il plaît à Dieu, l'intelligence parfaite que le Roi se propose d'établir entre ses sujets et ceux de la Reine de la Grande Bretagne, il faut écarter toutes les propositions capable de troubler cette heureuse union ; l'espérance n'a fait que trop voir, qu'il était comme impossible de la conserver dans les lieux possédés en commun par la nation Française et la nation Anglaise ; ainsi cette seule raison suffiroit pour empêcher Sa Majesté de consentir à la proposition de laisser les Anglais posséder en commun l'île du Cap Breton avec les Français. Mais une raison plus forte s'oppose encore à cette proposition, et comme on ne voit que trop que les nations les plus amies deviennent souvent ennemies, il est de la prudence du Roi de se réserver la possession de la seule île, qui lui ouvre désormais l'entrée de la rivière du St. Laurent. Elle sera absolument fermée aux vaisseaux de Sa Majesté, si les Anglois, maîtres de l'Acadie et de Terre-neuve, possédoient encore l'île du Cap Breton en commun avec les Français, et le Canada seroit perdu pour la France au premier événement qui renouvelleroit entre les deux nations la guerre, que Dieu détournera pour long temps ! mais le moyen le plus assuré de la prévenir est de penser souvent qu'elle peut renaître.

Quatrième.—On ne dissimulera pas que c'est par la même raison que le Roi veut se réserver la liberté naturelle et commune à tous les souverains, d'élever dans les îles du Golphe, et dans l'embouchure de la Rivière du St. Laurent, aussi bien que dans l'île du Cap Breton, telles fortifications que Sa Majesté jugera nécessaires. Ces ouvrages, faits uniquement pour la sûreté du pays, ne pourront

jamais nuire aux îles and aux provinces voisines. Il est juste que la Reine de la Grande Bretagne ait la même liberté d'élever les fortifications, qu'elle jugera nécessaires, soit dans l'Acadie, soit dans l'île de Terre-Neuve, et sur cet article le Roi ne prétend rien exiger de contraire aux droits que la propriété et la possession donneront naturellement à cette Princesse.

Cinquième.—Le Roi veut bien par une considération particulière pour la Reine de la Grande Bretagne lui laisser le canon and les munitions de guerre qui se trouveront dans les forts et places de la Baie et du Détroit d'Hudson, nonobstant les fortes raisons que Sa Majesté auroit de les retirer, et de les transporter ailleurs.*

** Reply of the King to the Memoir from London, June 5, O. S., 1712.*

Article *First.*—His Majesty consents to cede to the Queen of Great Britain the Island of Newfoundland with the Town of Plaisance, fortified, but the artillery and munitions with which this place is provided shall be taken away, and not be comprised in the cession which shall be made of the place and the island; for they are neither attached to the one nor the other, and, to use a common comparison, the artillery and munitions of a place may be regarded as the furniture of a house which a private person takes away when he gives up the house by a voluntary contract. The isles adjacent to that of Newfoundland were neither demanded nor promised by articles signed at London in the month of October last: as they served for a rule at the commencement and during the progress of the present negotiation, the intention of the King is to follow exactly this same rule as the surest means of arriving at the conclusion of the treaty; and His Majesty is persuaded that the Queen of Great Britain, true to her word, will not insist on a new demand, which is not to be found in the convention signed in the name of this Princess.

Second.—The articles signed at London reserve to the subjects of the King the privilege (*faculté*) of fishing and drying their cod fish on the Isle of Newfoundland; a disposition made by mutual agreement can neither be restricted nor changed, but as it may be reciprocally regarded as advancing the common utility. On this ground the King offers to leave to England the munitions of Plaisance, the isles adjacent to that of Newfoundland, to interdict the French from fishing and drying cod fish on the shores of this island, even on the part called le Petit Nord, to add to these conditions the cession of the Isles of St. Martin and St. Bartholemy, near those of St. Christopher, if in consideration of this offer the Queen of Great Britain will consent to restore Acadie, of which the River St. George shall hereafter be the limits, as the English have previously contended. It is therefore for the Queen of Great Britain to choose, either to hold to the articles signed at London, or to accept the exchange which His Majesty proposes. In the latter case, His Majesty will do all in his power to terminate, to the satisfaction of England, the affair of the ransom of the Isle of Nevis.

Thirdly.—As one of the principal fruits of the peace will be, if it please God, that perfect understanding which the King proposes to establish between his subjects and

OFFERS OF FRANCE—DEMANDS FOR ENGLAND—THE KING'S
ANSWERS.*Sept. 10, 1712.*

Après la conclusion de la paix on nommera des commissaires de part et d'autre tant pour régler, dans l'espace d'un an, les limites du Canada, ou de la Nouvelle France, d'un côté, et celles de l'Acadie et des terres de la Baie de Hudson, de l'autre, que pour accommoder à l'amiable toutes les demandes justes et raisonnables, prétendu de part et d'autre pour des griefs reçus contre les droits de la paix et de la guerre.

Les limites étant une fois fixées, on défendra aux sujets des deux couronnes de les passer et d'aller, par la mer ou par terre, les uns parmi les autres ; d'interrompre le négoce de l'une ou de l'autre

those of the Queen of Great Britain, it is necessary to avoid all propositions capable of disturbing this happy union. Experience has only made it too evident that it was impossible to preserve it in the places possessed in common by the French and English nations ; thus this single reason is sufficient to prevent His Majesty consenting to the proposition to leave the English to possess, in common with the French, the Isle of Cape Breton. But a still stronger reason opposes itself to this proposition, and as it is but too often seen that the most friendly nations often become enemies, it is the part of prudence in the King to reserve the possession of the only isle which will hereafter open to him the entrance of the River St. Lawrence. It would be absolutely closed to vessels of His Majesty, if the English, masters of Acadie and Newfoundland, should also possess the Island of Cape Breton in common with the French, and Canada would be lost to France in the event of the first war, which may God long avert, that might break out between the two countries. But the surest means of succeeding is often to think that it might break out.

Fourthly.—It need not be disguised that the King desires to reserve the liberty, natural and common to all sovereigns, to erect in the Isles of the Gulf, and in the entrance of the River St. Lawrence, as well as in the Isle of Breton, such fortifications as His Majesty may judge necessary. Those works, created solely for the safety of the country, can never be injurious to the Isles of the neighbouring Provinces. It is but just that the Queen of Great Britain should have the same liberty to erect such fortifications as she may judge necessary, whether in Acadie or the Isle of Newfoundland, and in this respect the King does not pretend to require anything contrary to what the rights of property and possession give naturally to this Princess.

Fifthly.—The King, out of a particular consideration for the Queen of Great Britain, consents to leave to her the cannon and munitions in the forts and places of the Bay and Straits of Hudson, notwithstanding the strong reasons which His Majesty may have for withdrawing and transporting them elsewhere.

nation parmi eux, ou de molester les Indiens qui sont alliés ou soumis à l'une ou à l'autre couronne.*

[The instructions of the English Commissioners, C. Whitworth, J. Murray, Esq., Jos. Martin, Knt., and Frederick Herne, Esq., appointed under the 9th Article of the Treaty of Navigation and Commerce, concluded at Utrecht 31st March, 1713, were dated February 15, 1713-4. On the 15th May the French Commissioners stated they had no authority to treat of Hudson's Bay.]

BOLINGBROKE À MONSIEUR DE TORCY.

Whitehall, Nov. V. S., 1712.

J'ai parcouru les projets de Traité qui ont été dressés à Utrecht, tant par Messieurs les Plénipotentiaires du Roi que par ceux de la Reine; et je n'y trouve de différence considerable, que sur deux articles, celui de l'Amerique Septentrionale, et celui de commerce. Je ne veux pas entrer dans ce détail; ce seroit une affaire d'une trop longue discussion, et au lieu de vous écrire une lettre, je vous enverrois un livre. Monsieur Prior vous entretiendra sur ces points, et je me bornerai à vous prier de tomber d'accord avec lui de quelques expédiens, afin que les Ministres à Utrecht n'aient rien à démêler ensemble, mais puissent concourir unanimement à faire entrer les autres dans ses sentimens pacifiques.†

* After the conclusion of peace there shall be named Commissioners on both sides, as well for regulating, in the space of a year, the limits betwixt Canada, or New France, on the one side, and Acadia and the Hudson's Bay on the other, as well as amicably to settle all just and reasonable claims by one side or the other for wrongs suffered, contrary to the rights of peace and war.

The limits being once fixed, it shall be forbidden to the subjects of both Crowns to pass the same, to go by land or sea the one to the other, as likewise to disturb the trade of either nation amongst themselves, or to molest the Indian nations who are allies, or who have made their submission to either Crown.

† BOLINGBROKE TO MONSIEUR DE TORCY.

Whitehall, Nov. O. S., 1712.

I have examined the projects of treaty drawn up by the Plenipotentiaries of the King as well as by those of the Queen, and I do not find any great difference except in two articles—that on North America and that on commerce. I do not desire to enter into this detail; it would be too long an affair and too long a discussion, and instead of writing you a letter I should send you a book. Mr. Prior will discuss these points with you, and I confine myself to praying you to agree with him upon some expedient, in order that the Ministers at Utrecht, having no subject of dispute, may unanimously entertain pacific sentiments.

DE TORCY TO PRIOR.

Mémoire pour Monsieur Prior.

Régu de Monsieur de Torey, 7me Janvier, 1712-13. Il est porté par l'article 9 du projet, que le Roi fera mettre à la Reine de la Grande Bretagne, la Baie d'Hudson, etc., de la manière que sa Majesté et les François la possèdent présentement.

Messieurs les Plénipotentiaires de la Grande Bretagne prétendent qu'il soit exprimé que non seulement la France rendra *ce qui a été pris sur les Anglois*, mais encore, *tout ce que l'Angleterre a jamais possède de ce cote là*. Cette clause nouvelle est différente du projet, et sera une source de difficultés continuelles; mais pour les éviter, le Roi a renvoyé à ses Plénipotentiaires la même carte de l'Amerique Septentrionale qui leur avoit été communiquée par les Plénipotentiaires de la Grande Bretagne. Sa Majesté a fait tracer sur cette carte une ligne qui marque les limites, de manière qu'elle a lieu de croire qu'on pourra facilement convenir sur ce point de part et d'autre.

Si toutefois il y avoit encore quelque difficulté que Messieurs les Plénipotentiaires ne pussent aplanir, la décision en seroit remise aux commissaires qui seront nommés pour régler les limites de l'Amerique.*

THE DUKE OF SHREWSBURY TO LORD BOLINGBROKE.

Paris, February 22, 1713, N. S.

In the Treaty of Peace, they (the French King and M. de Torcy) said there still remained two difficulties: one is about the immoveable estates to be disposed of in the places which France is to yield up or restore, which we thought was adjusted by the paper sent by Mr. Prior, January 19th, and which you have likewise herein inclosed: it certainly is so as to Hudson's Bay in particular. Monsieur de Torcy says that, as far as he knows, the

* The ninth Article of the plan imports that the King shall give up to the Queen of Great Britain, Hudson's Bay, &c., in the manner they are now possessed by the King and the French. [The remainder of the translation will be found in the foregoing report.]

whole affair stands at Utrecht in the manner as this inclosed paper specifies.

“Messieurs les Plenipotentiaires de la Grande Bretagne avoient jusqu’ à présent distingué les lieux cédés par le Roi à la Reine de la Grande Bretagne, et les lieux qu’ils appelloient restitués. Sous le nom de lieux restitués ils comprenoient la Baie et le Détroit d’Hudson et l’île de Terre-neuve. Ils consentoient à laisser aux François établis dans les lieux cédés, la faculté de vendre leur biens immeubles. Mais ils pretendoient que cette même liberté ne devoit pas leur être permise dans les lieux restitués, supposant que ces immeubles avoient été levés aux Anglois et qu’ils devoient y rentrer de plein droit. Aujourd’hui Messieurs les Plenipotentiaires de la Grande Bretagne ne font plus de distinction des lieux cédés et des lieux restitués, quoique la même expression demeure dans l’article 14.”*

MÉMOIRE DE MONSIEUR DE TORCY TOUCHANT LES BONA
IMMOBILIA.

[This paper, without date, is communicated by the Earl of Shrewsbury to Lord Bolingbroke, from Versailles, March 8, 1713, N. S.]

“Le Roi consentoit à laisser aux Commissaires, qui seront nommés après la paix, l’autorité de rétablir, dans les biens immeubles de la Baie d’Hudson, les Anglois que feroient voir, par des titres valables qu’ils en étoient ou propriétaires ou héritiers de ceux qui avoient possédé ces biens.”†

* The Plenipotentiaires of Great Britain had hitherto made a distinction between places ceded by the King to the Queen of Great Britain, and places which they denominated restored. Under the name of places restored they included Hudson’s Bay and Straits, and the island of Newfoundland. They agreed to allow to the French settled in places ceded the liberty to sell their immoveable effects, but insisted that the same liberty ought not to be allowed in places restored, upon a plea that such effects were taken from the English, who had a right to have them restored. The Plenipotentiaires now make no distinction between places ceded and places restored, though the same expression remains in Article 14.

† The King consented to give Commissaires, to be named after the peace, authority to give possession to the English who should prove that they were proprietors, or the heirs of proprietors, of those who possessed such property in Hudson’s Bay.

BOLINGBROKE TO THE DUKE OF SHREWSBURY.

May 29, 1713.

"In Monsieur de Pontchartrain's letter to the Marquis de Vaudreuil, the latter is directed to yield the forts and settlements belonging to the Hudson's Bay Company. This order, my Lord, the merchants are afraid will not answer their ends. They are dispatching two ships to the Bay, which being at a considerable distance from Quebec, where the Marquis de Vaudreuil resides, the French who are in possession of the forts on the Bay may either be ignorant, or pretend ignorance, of His Most Christian Majesty's orders, may refuse to evacuate these places, and the season may by consequence be lost, which your Grace knows continues in these northern seas but a very few months. The merchants therefore desire, and Her Majesty would have your Grace endeavour to obtain, either direct orders to the commanders in these places, or authentic duplicates of the orders sent to the Marquis of Vaudreuil, which may be put into the hands of the officer appointed to go to the Bay of Hudson, and to take possession of the places the French are to evacuate."

THE DUKE OF SHREWSBURY TO LORD BOLINGBROKE.

Paris, June 23, 1713, N. S.

"Concerning the letters which this Court sends to the French governor of the forts in Hudson's Bay, which your lordship desires to be transmitted to you, in order to their being sent thither more immediately by the two ships which we dispatch thither, Mr. Prior has spoken to Monsieur Pontchartrain, who promises that your lordship shall have such letters ; but as you say that Mr. Nicholson will have Her Majesty's orders to give the French subjects the liberty of selling their immoveable estates, Monsieur Pontchartrain desires that authentic copies of such orders may be sent hither, or delivered to the Duke d'Aumont. Their Hudson's Bay Company have some moveable effects upon the place, for which they are now sending, and they hope they shall find no opposition there on our part to their so doing."

Mémoires du Marquis de Torcy. Par Messieurs A. Petitot et Monmérique.

“ Sa Majesté donna ordre à Ménager d'ajouter à la cession de Terre-neuve, celle de la Baie et Détroit d'Hudson ; et, pour faire voir à la Reine de la Grande Bretagne, et à ses Ministres le désir qu'elle avoit de faciliter le succès de leurs bonnes intentions, elle permit à Ménager, par une clause particulière et séparée du mémoire, de remettre à la négociation générale de la paix, toute discussion sur l'article de l'Amérique Septentrionale.”—T. II., p. 54.

“ * * * Dès le lendemain de la seconde conférence, Saint Jean, de retour de Windsor à Londres, fit avertir Ménager qu'il l'attendoit chez Prior. * * * La Reine, avec son conseil, avoit résolu de ne pas s'arrêter aux observations faites sur quelque termes jugés ambigus dans la réponse du Roi. Le secrétaire d'Etat dit que l'amour de la paix l'avoit emporté, dans l'esprit de sa maîtresse, sur toute autre considération ; elle ne souhaitait plus d'autre changement que celui du terme d'*Amérique Septentrionale*, et se réduisoit à demander que cette partie de l'Amérique fût désignée par l'expression d'*Amérique sur la mer du nord*.

“ La difficulté de laisser aux François le droit de pêcher et de secher sur les côtes de Terre-neuve étoit levée ; la Reine y consentoit. Ménager étoit trop sage pour contester le changement de terme que cette princesse désiroit : aussi la satisfaction fut égale de sa part et de celle de Saint Jean.* ”—T. II., p. 64.

* *From the Memoirs of the Marquis de Torcy. By Messieurs A. Petitot and Monmérique.*

His Majesty gave orders to Menager to add to the cession of Newfoundland, part of the Bay and Strait of Hudson ; and in order to show to the Queen of Great Britain and her Ministers the desire which he has to facilitate their intentions, he permitted Menager by a private clause separate from the Memoir to remit to the general negotiation of the peace the entire discussion on the article of North America.—T. II., p. 54.

* * * On the morrow of the second conference, Saint John, on his return from Windsor to London, notified Menager that he was waiting him at Prior's house. *

* * The Queen with her council had resolved not to dwell on (s'arrêter) the observations made on some expression of the King that appeared ambiguous. The Secretary of State said the desire for peace had obtained the ascendancy in the mind of his Royal mistress over every other consideration ; she only desired to change the term from North America (d'*Amérique Septentrionale*), and confined herself to demanding

FORT NELSON RESTORED TO THE ENGLISH.

RELATION DU DÉTROIT ET DE LA BAYE D'HUDSON.

*Bernard's Recueil de Voyages au Nord. Amsterdam 1724
Par Monsieur Jérémie.*

“ Le Fort fut nommé Bourbon, et la rivière sur laquelle il est situé fut nommée Rivière Sainte Thérèse, à cause que le fort fut réduit sous l'obéissance des François le jour de Sainte Thérèse, 14 Octobre. * * Je suis resté commandant pendant six années dans le Fort Bourbon, où j'ai eu l'honneur d'être établi par ordre précis du Roi, dont je garde encore les commissions. Aucun de ceux qui m'avoient précédé, n'en avoit eu de semblables.

“ En 1714, je reçus des ordres de la cour avec des lettres de M. le Comte de Pontchartrain, pour remettre le poste aux Anglois, ainsi qu'il étoit porté par le Traité d'Utrecht.

“ Quoique le fort soit bâti sur la Rivière Sainte Thérèse, c'est par la Rivière Bourbon que descendent tous les sauvages qui viennent en traite.” The first great lake through which this river passes, is called by the savages Tatâsquoyaou Secahigan, “ qui veut dire, Lac des Forts, dans lequel décharge une rivière que l'on nomme Quissiquatchiouen, autrement grant/courant.*”

*forests
rivers*

that this part of America should be designated by the expression America on the North Sea. (*D'Amérique sur la mer du Nord.*)

The difficulty of leaving to the French the right of fishing and drying fish on the shores of Newfoundland was raised; the Queen gave her consent. Menager was too wise to contest the change of term which this princess desired: thus she and St. John were equally satisfied.—T. II., p. 64.

* The fort was named Bourbon, and the river on which it was situated was named Ste. Therese, because the fort was brought under the authority of the French on the day of Ste. Therese, October 14. * * * I had the honour to be in command of the fort for six years, and I had the honour to be stationed there by express orders of the King, whose commission I still preserve. None of my predecessors had been appointed in the same way.

In 1714 I received the orders of the Court, with letters from the Count de Pontchartrain, to hand over the post to the English, according to the terms of the Treaty of Utrecht.

Though the fort was built on the River Ste. Therese, it is by the River Bourbon that the savages come to trade. The first great lake through which this river passes is called by the savages Tatâsquoyaou Secahigan, which signifies the Lake of Forts, in which discharges a river called Tuissiquatchiouen, or strong current.

*font
rivers*

[Jérémie estimates the annual profit of the trade of Fort Bourbon to the French at 100,000 livres. In 1713, the goods they brought out cost 8,000 livres, and in 1714 he made over 120,000, which he took away when relieved by the English.]

LIMITS OF THE POST OF TEMISCAMINGUE.

“Son [the King’s] intention était d’affirmer le seul poste de Temiskamingue dans les limites qui naturellement doivent consister dans les terres arrosées de la rivière de ce nom, et les autres qui se déchargent dans ladite rivière sans qu’on puisse y comprendre les terres qui sont au dessus ni au dessous de ladite rivière.”*—*Mémoire des représentations sur l’adjudication qui vient d’être faite du poste de Temiskamingue, 1722.*

Begon a Monseigneur, Juin 10, 1725.

“Il fut convenu lors de l’adjudication en réglant les limites du poste de Temiskamingue qu’il était nécessaire d’y comprendre la Rivière du Lièvre tant pour donner les bornes certaines pour le front et la profondeur que parce que si cette rivière n’en dépendait point, ceux qui auraient la permission d’y faire la traite pourraient y attirer une partie des sauvages du poste de Temiscamingue. C’est pour la même raison qu’on y a compris le lac Nipissingue, et la partie de la grande Rivière des Outaouais depuis la Rivière du Lièvre qui s’y décharge aussi dans la grande rivière du côté du sud.”*

* His (the King’s) intention was to settle the single post of Temiskamingue within the limits to which it ought naturally to be confined, to the land watered by the river of this name, and others that discharge therein, without comprising the lands that are below or above the said river.—*Mémoire des Représentations sur l’adjudication qui vient d’être faite du poste de Temiskamingue, 1722.*

Begon to Monseigneur, June 10, 1725.

It was agreed (convenu) at the time of the adjudication in regard to the limits of the post of Temiskamingue, that it is necessary to embrace the River Lievre, as well to give certain limits for the front and the depth, as because if this river did not belong to it (n’en dépendait point), those who may have permission to carry on the trade there would be able to attract there a part of the savages of the Post of Temiscamingue. It is for the same reason that Lake Nipissingue and a part of the grand river of the Ottawas, from the River du Lievre, which also discharges into the Ottawa River on the south side, was included.

MÉMOIRE DE BEGON, OCT. 20, 1725, QUI EXPLIQUE LES ANCIENNES
LIMITES DU POSTE DE TEMISCAMINGUE.

“ Les anciennes limites de ce poste etaient du front depuis et compris la Rivière du Lievre qui se décharge dans la grande Rivière des Outaouais du côté du Nord jusques et compris le lac Nepissingue, et pour la profondeur jusqu'à la Baie d'Hudson où l'on ne peut aller que par la Rivière de Monsony ou Monsipy qui se décharge dans le mer au sud du fond de ladite Baie.” (From Mataouan to Temiscamingue, the Ottawa river used to be called la Rivière Temiscamingue.) The height of land is at the Rivers Labyrinthe and Tabitibis—sixty leagues from Lake Temiscamingue. “A ce portage est un poste pour la traite avec les sauvages des environs et de ceux de la Baie d'Hudson qui remontent la Rivière de Monsipy. Le cours de cette rivière jusqu'à la mer est d'environ quatre vingts lieues.

“Ce poste est le plus avancé du côté de la Baie d'Hudson, les François n'allant pas faire la traite plus loin pour ne pas s'exposer aux insultes des sauvages qui pourraient être gagnés par les Anglais qui sont établis au bord de la mer où est un Fort nommé Monsipy. Cette rivière est la seule de ce poste qui conduise à la Baie d'Hudson.

“Pour aller au Lac Nepissingue lorsqu'on est à Mataouan on monte pendant quatorze lieues une rivière nommée la Petite Rivière jusqu'au lieu nommé le Portage des Vases où est la hauteur des terres. On y fait trois portages qui ont ensemble environ cinq quarts de lieue et ensuite on descend pendant deux lieues une petite rivière qui se décharge dans la Lac Nepissingue, en haut duquel, du côté du Nord, se décharge une rivière appelée de la Fontaine, dont le cours est d'environ quarante lieues que l'on monte jusqu'à dix lieues près du Lac Temiscamingue.”*

* MEMORIAL OF BEGON, EXPLAINING THE ANCIENT LIMITS OF TEMISCAMINGUE.

October 20, 1725.

The ancient limits of this post were on the front, from and comprising the River du Lièvre, which discharges in the grand river of the Ottawas, on the north side as far as and comprising Lake Nipissingue, and in depth up to Hudson's Bay, where it is possible to go only by the River Monsony or Monsipy, which discharges into the sea at

Lettre de MM. de Beauharnois et Hoquart au Ministre, Oct. 15, 1730.—The Port of Temiscamingue had been taken from Le Sieur Gorgendière, “qui pretend avoir fait des dépenses considérables pendant son année de jouissance en présents qu’il fit faire aux sauvages des différentes nations des environs de son poste pour les y attirer et aussi dans les avances qu’il leur a faites suivant l’usage ordinaire des traiteurs.” They urged that as one or even two years’ possession of a post give no chance of profit, he ought to be relieved from the obligation to pay 200 livres for goods furnished from the King’s stores.

DISCOVERIES IN THE NORTH-WEST.

State of geographical knowledge prior to the Discoveries of the Verandryes.

Sieur de la Verandrye, an ensign in Canada, having command at Lake Nipegon, reported in 1728 that one Pako, a chief of the Indians (Christineaux) resident at Camanistiquia, having left his village to go to war towards the setting sun, arrived in a few days at a great lake which has three outlets. There is much in the first memoir of Sieur Verandrye that is fabulous and absurd, but there is also a slight mixture of the true or the probable. The story of a race of men three feet high, and of men living in the ground for the want of wood to build with, is utterly fabulous. But a new relation, forwarded to the Marquis de Beauharnois, Oct. 25, 1729, which continues the story of the Chief, Pako, contains a great geographical fact when it speaks of four great rivers

the head of the said bay. [From Matouan to Temiscamingue the Ottawa River used to be called la Rivière de Temiscamingue.] The height of land is at the Rivers Labyrinthe and Tabitibis, sixty leagues from Lake Temiscamingue. At this portage is a post for trading with the Indians of the environs and those of Hudson’s Bay, who come up the River Monsipy. The course of this river to the ocean is about eighty leagues.

This is the most advanced post towards Hudson’s Bay, the French, in order not to expose themselves to the insults of savages who may be in the pay of the English on Hudson’s Bay, where Fort Monsipy is situated, do not go further for fur trading. This is the only river of this post which conducts to Hudson’s Bay.

taking their source in a height of land towards the west. These rivers may well stand for the Mississippi, the Saskatchewan, the Mackenzie and the Columbia. But at that time for a knowledge of the way to reach the Lake of the Woods the French were equally dependent on the accounts given by the Indians. Sieur Verandrye proposed as an aid to this discovery to make an establishment at the Lake of the Woods and another at Nipigon. "It seemed to him that it was necessary to hasten this discovery because the English, who were in commerce with the Christineaux, might become informed of the project and forestall the French (*nous prévenir sur ces établissemens*) if time be given to them, and besides these establishments could not be injurious to the post of Camanistiquia, and an additional advantage independent of the discovery of the western ocean would be derived from the quantity of peltries which would be obtained, and which are now lost among the Sioux and Assiniboils, or which are taken to the English by the Christineaux."

It seems certain that, in 1728, no Frenchman had been to the Lake of the Woods; for in that year Verandrye was told by them that he could go there from Camanistiquia in twenty days. The Indians were afraid to undertake the voyage to the western ocean because some of them had been previously overtaken by the frost, and had had to carry their canoes a distance of ten days' travel from Lake Ouinipigon; "and besides they found among the English (*du Petit Nord*) at Hudson's Bay, (?) which is not over ten days' journey from them, everything which could invite them to go in search of the western ocean." It was thought necessary to make another establishment at Lake Ouinipigon, estimated to be about two hundred leagues from the River Camanistiquia. Leaving Montreal in May, it might be possible to reach the Lake of the Woods in September.

The third memoir on this subject, like the second, urges expedition. "The Crees," it says, "are in commerce with the English, where they have for interpreters the gens de terres; it is natural that they should there speak of the project of having the French among them, and that they will give them the same information

that they have given here. The English have every interest to get in advance of us, and if time be given them, they will not lose the opportunity of doing so."

Pierre Margry, a writer very familiar with the colonial archives of Paris, published an account of the discoveries in the North-West, in the *Moniteur*, Sept 14 and November 1, which I have transcribed and translated.

LES VARENNES DE VERANDRYE.

Le poste des Sioux avait été, en 1728, établi par Boucher de Montbrun, et le Père Guingas... Impatient de commencer, M. de la Verandrye, par un traité signé le 19 Mai, 1731, en présence de M. de la Chassaigne, Gouverneur de Montréal, s'associa quelques hommes qui firent les avances des marchandises et des équipements, et le 26 Août, après avoir passé à Michilmakinac, où il avait pris le Père Messenger pour missionnaire, il était au grand portage du Lac Supérieur, quinze lieues au sud, sud-ouest de Kamanistiquya... Si nous suivons M. de la Verandrye depuis Kamanistiquya, poste établi près du Lac Supérieur pour la seconde fois, vers 1717, par le Lieutenant Roubel de la Noüe, et où les découvreurs arrivaient en 1731, nous verrons successivement leur partis passer la même année par le Lac de la Pluie ou Tekamamionen, à la décharge duquel ils établirent le fort St. Pierre; traverser le Lac Ménitie ou des Bois, sur une des rives duquel fut placé, en 1732, le fort Saint Charles; le Lac Ouinipigon, à cinq lieues duquel ils établirent un fort en remontant la rivière; la rivière Ouinipeg, appelée par eux *Rivière Maurepas* qu'ils protégèrent, en 1734, d'un fort également désigné sous le nom du Ministre; la Rivière des Assiniboëls, autrement dite *Rivière Saint Charles*, où le fort de la Reine, bâti le 3 Octobre, 1738, servait de poste avancé; puis la rivière Saint Pierre, embranchement de cette Rivière des Assiniboëls. Cette rivière, à laquelle étaient imposés à la fois le prénom de M. de la Verandrye et celui de M. de Beauharnois, fut le centre des établissements, et le point de départ des expéditions que les découvreurs allaient entreprendre au nord et au sud. C'est par elle que nous les voyons, à la fin de 1738, descendre chez les Montannes, et, en 1742, vers

le haut Missouri, puis le remonter jusqu'au Montagnes Rocheuses, parmi les gens des serpents, pays qui sont le terme de leur explorations du côté du sud. Du côté du nord, dans les courses dont je ne saurais encore déterminer la date d'une manière précise, ils ont traversé le lac Dauphin, celui des Cygnes, reconnu la Rivière des Biches et remonté jusqu'à sa fourche le Saskatchewan, qu'ils nommaient *Poskoiac*. Deux forts furent établis par eux dans ces contrées, l'un au Lac Dauphin, l'autre sur la Rivière des Biches, lequel fut appelé *le fort Bourbon*..... Deux ans après [1738] il en avait, sur le demande de M. de Beauharnois, été récompensé par un enseigne en second, à la suite des services qu'il avait rendus dans ces commencements si pénibles ; lorsque les difficultés sans nombre qu'offraient les trois lieues et un quart du Portage de Nantaouagan rebutaient les engagés, il avait eu l'honneur de passer outre et d'aller commencer le premier établissement au Lac de la Pluie ou Tekamionen ; son intelligence, son dévouement, un courage qui ne reculait ni devant les dangers, ni devant les fatigues, lui avaient mérité la confiance la plus complète de M. de la Verandrye, et, à sa mort, celui-ci regretta non-seulement en lui un parent qui lui était cher mais encore un lieutenant précieux à son entreprise.

..... Ce ne fut qu'en 1743, que l'aîné des fils de M. de la Verandrye et le chevalier, son frère, s'avancèrent jusqu'aux Montagnes Rocheuses, dans un voyage qui dura depuis le 29 Avril, 1742, jusqu'au 2 Juillet de l'année suivante, époque à laquelle ils étaient de retour au fort Saint Charles d'où ils étaient partis.

..... Ils parvinrent cette fois aux Montagnes Rocheuses, après avoir rencontré sur le chemin le Village des Beaux-hommes, les Pioya, la nation des Petits-Renards, les gens de l'arc. Quelques-uns de ces noms, qu'on retrouve sur le carte de Lewis, font penser qu'ils arrivèrent aux Montagnes Rocheuses par le Yellow-stone. Le 1er. Janvier, 1743, ils avaient ces montagnes devant les yeux ; le 12 du même mois ils y arrivaient, et le Chevalier de la Verandrye, qui avait dû laisser son frère à quelque distance, se préparait à les gravir

..... A leur retour, le chevalier et son frère eurent soin de prendre possession des terres du haut Missouri, à leur arrivée, le 19

Mars, 1743, chez les gens de la Petite Cerise, nation campée sur le bord de ce fleuve. Ils enterrèrent à cet effet, sur une éminence près de leur fort, une plaque de plomb aux armes du roi, et en souvenir de leur passage, ils élevèrent des pierres en pyramides au nom du Marquis de Beauharnois.

..... Ce succès ne suffisait cependant pas plus à M. de la Verandrye qu'il ne satisfaisait le chevalier et son frère, puisque par cette route ils avaient la crainte de rencontrer les établissements des Espagnols, et qu'ils ne résolvaient pas non plus le problème de la mer de l'ouest, l'un des objets principaux de leur entreprise. En conséquence, ils songèrent à remonter vers le nord, où ils découvrirent le Saskatchewan ; mais ce ne fut que cinq ans plus tard....

[La Verandrye, loaded with 40,000 livres of debts, and being ill supported by the Government, ceased to prosecute his discoveries further.]

..... M. de Beauharnois, afin de laisser aussi tomber les mauvais bruits qu'avaient propagés les envieux, nomma M. de Noyelles pour continuer la découverte.

Déjà même en 1748, le Chevalier de la Verandrye était parti pour continuer ses découvertes dans l'ouest, et il avait remonté le Saskatchewan jusqu'à la fourche où était, tous les printemps, le rendez-vous des Christineaux des montagnes, des prairies, des rivières. Là il avait appris des sauvages que cette rivière venait de bien loin, de la hauteur des terres où il y avait des montagnes fort élevées, qu'ils avaient aussi connaissance d'un grand lac situé de l'autre côté des montagnes, et dont on ne pouvait boire l'eau.

[Sept. 17, 1749, died De la Verandrye, the elder.]

..... Les fils de M. de la Verandrye réclamaient l'honneur d'achever cette entreprise comme la plus précieuse partie de leur héritage.

... Les Christineaux brûlèrent le Fort la Reine, et faillirent massacrer M. de Saint Pierre lui-même ; d'un autre côté, la maladie de son lieutenant, le Chevalier Boucher de Nierville, montra encore combien non-seulement il avait nui à son propre honneur, mais aussi au succès de l'entreprise, en rejetant la prière instante

que MM. de la Verandrye lui avaient fait de l'accompagner. Le Chevalier de Nierville, envoyé par lui pour fonder un poste vers la source du Saskatchewan ou Poskoyac, avait été obligé de s'arrêter en route, épuisé par les fatigues et les misères auxquelles MM. de la Verandrye étaient faits, et quelques-uns de ses hommes purent seuls aller en avant jusqu'aux Montagnes Rocheuses, où ils établirent le Fort la Jonquière en 1752. L'expédition ne parait pas avoir dépassé les montagnes, lorsque M. de St. Pierre, rapellé par le marquis Duchêne de Menneville, qui succédait à M. de la Jonquière vit arriver M. de la Corne, en 1753, pour le remplacer dans les postes de l'ouest. La guerre de sept ans, qui n'allait pas tarder à éclater, empêcha la poursuite de cette entreprise dont les colonies Anglaises, victorieuses des nôtres, devaient un jour recueillir les fruits.

Dans cette guerre, plusieurs Varennes furent tués ; mais je n'ai pu, jusqu'à présent, distinguer si c'était les fils de M. de la Verandrye ou ceux de son frère. Le sort du Chevalier de la Verandrye seul est certain ; il périt le 15 Novembre, 1761, avec un autre lieutenant du nom de Varenne, noyé.*—*Pierre Margry, in the Moniteur, Sept. 14 and Nov. 1, 1852.*

* *Les Varennes de Verandrye.*—The post of the Sioux had been established in 1728 by Boucher de Montbrun and Father Guingas. Impatient to commence, M. de la Verandrye, by an agreement signed May 19, 1731, in presence of M. de la Chassaigne, Governor of Montreal, associated himself with some persons who made advances of merchandise and equipments, and on the 26th August, after having gone up to Michilmakinac, where he had secured Father Messenger as a missionary, he found himself at the Grand Portage on Lake Superior, fifteen leagues south-south-west of Kamanistiquia. If we follow M. de la Verandrye from Kamanistiquia, a post established near Lake Superior for the second time, about the year 1717, by Lieut. Roubel de la Noüe, and where the discoverers arrived in 1731, we shall see their parties pass successively the same year by Lac la Pluie or Tekamamionen, at the discharge of which they established Fort St. Pierre ; cross Lake Minitie or des Bois, on the river of which was erected, in 1732, Fort St. Charles ; Lac Ouinipigon, within five leagues of which they established a fort, up the river ; the River Winipeg, which they called *River Maurepas* ; whom they honoured by erecting a fort, also called by the name of the Minister ; the river of the Assiniboels, otherwise called the River St. Charles, where Fort de la Reine, built on the 3rd October, 1738, served as the advanced post ; afterwards the River St. Peter, a branch of the river of the Assiniboels. This river, which received at the same time the *prenom* of

PREPARATION FOR THE DISCOVERY OF THE WESTERN OCEAN.

Lettre de M. Bégon au Ministère, Québec, le 11 Xbre, 1718.

La Sieur de Vaudreuil a été informé par des lettres du Sieur de la Noüe qu'étant arrivé fort tard à Kamanistiquoya où il avait trouvé peu de sauvages, il n'avait pu détacher aucun de ces canots pour aller à la Kamanionen et qu'il y enverrait après le

M. de la Verandrye and that of M. de Beauharnois, was the centre of the establishments, and the points whence the expeditions of the discoverers started on the enterprise to the north and the south. It is by this river we see them descend towards the end of the year 1738, among the Montannes (Mandans), and in 1742 towards the Upper Mississippi, after which they ascend to the Rocky Mountains, among the gens de serpents, the end of their expedition to the south. Towards the north, in an expedition of which I cannot yet determine the date with exactness, they crossed Lake Dauphin, Swan Lake, fell in with the River des Biches, and ascended to its forks the Saskatchewan, which they named Poskoiaic. Two posts were established by them in these countries, one at Lake Dauphin, the other on the River des Biches, which they called Fort Bourbon. Two years after (1738) he had, on the request of M. de Beauharnois, been recompensed by an ensigncy of the second order, for service which he had rendered in these painful commencements, when the innumerable difficulties which presented themselves in the portage of Nantaonagon, three leagues and a quarter long, disgusted the *engagés*. He had the honour to pass it and to commence the first establishment on Lac de la Pluie or Tekamionen. His intelligence, his courage, a devotion which endured alike dangers and fatigues, merited the greatest confidence of M. de la Verandrye, and at his death the latter regretted in him not only a dear relative, but also a lieutenant of the greatest importance in his enterprise.

. It was only in 1743 that the eldest son of M. de la Verandrye and the chevalier his brother reached the Rocky Mountains, in a voyage which lasted from the 29th April, 1742, to the 2nd of July in the same year, at which latter date they had returned to St. Charles, whence they had started.

. They succeeded this time in reaching the Rocky Mountains, after having met on the road the village of Beaux-Hommes, the Piogas, the nation of the Little Foxes, the Bowmen. Some of these names, which were reproduced on the map of Lewis, give reason to believe that they reached the Rocky Mountains by the Yellow Stone. On the 1st January, 1743, these mountains were within sight. On the 12th of the same month they had been reached, and the Chevalier de la Verandrye, who had been obliged to leave his brother at some distance behind, prepared to cross them.

. On their return the chevalier and his brother took possession of the Upper Mississippi, where they arrived on the 19th March, 1743, among the gens de Petite-Cerise, a nation encamped on the banks of this river. For this purpose they interred on an eminence near the fort a plate of lead bearing the arms of the King, and in remembrance of their passage they raised pyramids of stones to the name of the Marquis de Beauharnois.

retour de ceux qu'il a envoyés ce printemps à Michilmakinac pour y chercher des vivres; il ajoute que les sauvages de son poste étaient fort contents de cet établissement et promettaient d'attirer tous ceux qui ont accoutumé d'aller faire leur traite à la Baie d'Hudson; qu'il a fait écrire par un des Français qui étaient à la

. But this success did not satisfy M. de la Verandrye nor the chevalier his brother, since by this route they feared they might encounter Spanish establishments; and as they had not resolved the problem of the western sea, one of the principal objects of their enterprise, consequently they conceived the idea of going up towards the north, where they discovered the Saskatchewan five years later.

. La Verandrye, loaded with a debt of 40,000 livres, and being ill supported by the government, ceased to prosecute his discoveries further.

. M. de Beauharnois, in order to get rid of the ill rumours which the envious had propagated, named M. de Noyalles to continue the discovery.

. Already even in 1748 the Chevalier de la Verandrye had set out to continue these discoveries in the west, and he had ascended the Saskatchewan as far as the fork, where every spring the Christineaux of the mountains, the prairies, and the rivers rendezvoused. There he had learnt from the savages that this river came from a great distance, from the height of land, where the mountains were very high, and that they knew of a great lake on the other side of which the water could not be drank.

Sept. 17, 1749, died De la Verandrye the elder.

. The sons of M. de la Verandrye demanded the honour of completing this enterprise, as the most precious part of their heritage.

. The Christineaux burnt Fort la Reine, and attempted to murder M. de Saint Pierre himself; while, on the other side, the illness of his lieutenant, Chevalier Boucher de Nivière, showed how he had not only endangered his own honour but also the success of his enterprise, in rejecting the prayer of MM. de la Verandrye to be allowed to accompany him. Chevalier de Nivière, whom he sent to establish a post near the source of the Saskatchewan or Paskoyac, had been obliged to stop on the way, exhausted by the fatigue and misery to which MM. de la Verandrye had been exposed, and only some of his men were able to reach the Rocky Mountains, where they established Fort Jonquière in 1752. The expedition does not appear to have crossed the mountains, when M. de Saint Pierre, recalled by the Marquis Du chene de Menneville, who succeeded M. de la Jonquière, witnessed the arrival of M. de la Corne, in 1753, to replace him in the western posts. The war of seven years, which soon after broke out, prevented the prosecution of this enterprise, of which the English colonies, victorious over ours, were one day to reap the fruit.

. In this war several Varennes were killed; but I have not been able, to the present time, to distinguish whether they were the sons of M. de la Verandrye or those of his brother. The fate of Chevalier de Verandrye alone is certain: he perished by drowning on the 15th November, 1761, with another lieutenant of the name of Varenne.—*Pierre Margry*, in the *Moniteur*, Sept. 14 and November 1, 1852.

pointe de Chagouamigon à un chef de la nation des Scioux, et qu'il esperait de réussir à faire faire la paix entre cette nation et celle des Christineaux, ce qui le mettra en état de poursuivre avec moins de risque l'exécution des ordres qu'il a pour la découverte de la mer de l'ouest.

En marge est écrit ; approuvé ce premier article.*

POSTS IN THE NORTH-WEST.

Conseil de la Marine, 7 Décembre, 1717.

MM. de Vaudreuil et Begon, ayant écrit l'année dernière que la découverte de la mer de l'ouest serait avantageuse à la Colonie, il fut approuvé, que pour y parvenir M. de Vaudreuil établit trois postes qu'il avait proposé, et il fut marqué en même tems de faire ces établissemens sans qu'il en coutasse rien au Roi, attendu que le commerce devait indemniser ceux qui le feraient et d'envoyer un projet en détail de ce qu'il en coûterait pour continuer cette découverte. Ils marquent en réponse que M. de Vaudreuil a fait partir au mois de juillet dernier le Sieur de la Noüe, lieutenant, avec 8 canons pour suivre le projet de cette découverte. Il lui a donné ordre de faire l'établissement du 1er poste dans la Rivière du Kamanistiquoya dans le Nord du Lac Supérieur, après quoi il doit aller à Takamanigen vers le lac des Christineaux pour en faire un second et avoir par le moyen des

* *Letter of M. Begon to the Minister, Quebec, October 11, 1718.*

Le Sieur de Vaudreuil has been informed by the letters of Sieur de la Noüe, that having arrived very late at Kaministiquoya, where he found but few Indians, he was unable to send any of the canoes to Kamanionen, and that he will send them after the return of those which he sent this spring to Michilmakinac, in search of provisions ; he adds that the Indians of his post were all satisfied with this establishment and promised to bring there all those who have been accustomed to trade at Hudson's Bay ; that he wrote through a Frenchman who was at Point Chagouamigon, to the chief of the Sioux Nation, and that he hopes to succeed in making peace between this nation and that of the Christineaux ; the accomplishment of which would put him in a condition to pursue with less risk the execution of his orders for the discovery of the Western Ocean.

In the margin is written : This first article approved.

sauvages les connaissances nécessaires pour faire le 3e au Lac des Assinipoëlles.*

LETTRE DE MM. DE VAUDREUIL ET BEGON AU CONSEIL.

Québec, le 14 Novembre, 1719.

Le Sieur de Vaudreuil n'a reçu cette année aucune lettre de Sr. de la Noüe ; il a seulement appris par la voie de Chagoamion qui est au sud du fond du Lac Superieur et où le Sr. de St. Pierre commande depuis l'année dernière que le Sr. Pachot y avait passé, allant au pays des Scioux où il a été envoyé par le Sr. la Noüe, au sujet de la paix qu'il ménageait entre cette nation et celle des Christineaux, mais que le Sr. Pachot n'étant pas de retour à Chagoamion dans le temps que les derniers canots en sont partis, on n'y était point informé du succès de son voyage.

Le silence du Sr. de la Noüe donne lieu de juger qu'il aura voulu attendre le retour du Sr. Pachot, pour rendre compte au Sr. de Vaudreuil de ce qu'il a fait pour l'exécution des ordres dont il l'avait chargé, et qu'il n'aura pu le faire dans le temps que le Sr. Pachot sera arrivé à Kaministiquoya, parce que la saison aura été trop avancée.

Le Sr. de Vaudreuil estime que l'absence du Sr. Pachot aura mis le Sr. de la Noüe hors d'état d'envoyer cette année à Takamamionen, mais ce que cet officier aura trouvé le moyen d'attirer à

* *Posts in the North-West.—Council of Marine, December 7, 1717.*

Messrs. de Vaudreuil and Begon having written last year that the discovery of the Western Ocean would be advantageous to the Colony, it was approved that, as a means of succeeding in that enterprise, M. de Vaudreuil should establish three posts which he had proposed, and it was noted in the meantime that to found these establishments would cost nothing to the King, while the commerce should indemnify those by whom they were founded, and to send a detailed estimate of what it would cost to continue this discovery. They stated in reply that M. de Vaudreuil, in the month of July last, had caused Sieur Noüe, lieutenant, with eight cannon, to set out on this discovery. He was ordered to establish the first post on the River Kamanistiquoya, on the north of Lake Superior, after which he was to go to Takamanigen, towards the Christineaux, to establish the second, and obtain from the savages the necessary information for establishing a third at the lake of the Assinipoëlles.

son poste les sauvages qui ont accoutumé d'aller faire la traite à la Baie d'Hudson.*

LOSS OF TERRITORIAL RIGHTS BY ABANDONMENT.

The abandonment [of a country] is rightly presumed when the ancient possessor, aware that it is in the possession of another, and he is at liberty to demand it back, nevertheless keeps silent.

Abandonment is not less presumed when the possessor, finding himself obliged and forced to quit a country, makes no attempt to re-enter it, and does not demand it back from a third party; and this third party pretending a better right than himself, takes public possession of it, and maintains himself there. It would be against all the laws of nature to pretend that one makes an acquisition for another and not for himself.—*Grotius* (quoted in the *Mémoire des Commissaires François sur l'isle de Sainte Lucie*).

[Apply this to the case of the French occupation of the north-west, on the presumption that the country was contained in the charter of the Hudson's Bay Company.]

* *Lettre de MM. de Vaudreuil et Begon, au Conseil Quebec, 14 Nov. 1719.*

Le Sieur de Vaudreuil has not received any letter from Sieur de la Noüe : he has only learnt by way of Chagoamion, which is on the south extremity of Lake Superior, where Sieur St. Pierre has been in command since last year, that Sieur Pachot had passed there on his way to the Scioux, where he was sent by Sieur de la Noüe, on the subject of the peace which he was trying to bring about between this nation and that of the Christineaux ; but that Pachot not having returned to Chagoamion when the last canoes left, there was no intelligence of the success of his voyage.

The silence of Sieur la Noüe gives reason for believing that he has determined to wait the return of Sieur Pachot, before giving an account to Sieur Vaudreuil of what he has done for the execution of the orders he was charged with, and that he had not been able to do it when Pachot had arrived at Kaministiquoya, on account of the season being too far advanced.

Le Sieur de Vaudreuil supposes that the absence of Sieur Pachot has prevented Sieur de la Noüe from sending this year to Takamamionen, but that his officer will have found the means of attracting to his post the Indians who are accustomed to trade at Hudson's Bay.

ILLINOIS ANNEXED TO LOUISIANA.

Extrait des Registres du Conseil d'Etat.

Le Roi étant en son conseil s'étant fait représenter les Lettres Patentes en forme d'un Edit du mois d'Août dernier portant l'établissement d'une compagnie de commerce, sous le nom de Compagnie d'Occident, ensemble celle du quatorze Septembre, mil sept cent douze, accordées aux Sieur *Crozat*; et estimant qu'il convient pour le bien du service, et pour l'avantage et l'utilité de la Compagnie d'Occident; d'augmenter le gouvernement de la Province de la *Louisiane* et d'y joindre les pays des sauvages, Illinois, oui le rapport et tout considéré, sa Majesté étant en son Conseil, de l'avis de Monsieur le Duc d'*Orleans*, son oncle Regent, a uni et incorporé le pays des sauvages au Gouvernement de la Province de la *Louisiane*, veut et entend que ladite Compagnie d'Occident jouisse des terres comprises sous le nom dudit pays, de la même manière qu'elle doit jouir de celles à elle accordées par lesdites Lettres Patentes du mois d'Août dernier, et que les commandants, officiers, soldats, habitans et autres qui sont et pourront être audit pays, reconnoissent le Commandant Général de la *Louisiane*, et lui obéissent et entendent, sans y contrevenir, en quelque sorte et manière que ce soit à peine de désobéissance. Fait au Conseil d'Etat du Roi, sa Majesté y étant, tenu à *Paris*, le vingt-septieme jour de Septembre mil sept cent dix-sept.

(Signé)

PHELIPPEAUX.

Et ensuite est écrit, Collationné à l'original par nous Ecuyer, Conseiller Secrétaire du Roi, Maison et Couronne de France et de ses finances.

(Signé)

LE NOIR, avec paraphe.

On the 19th June, 1718, the King notified the Marquis de Vaudreuil, Lieutenant-Governor of Nouvelle France, le Sieur Begon, Intendant, and the officers of the Superior Council at Quebec, to read and publish the Letters Patent in form of edict of August, 1717, establishing the Compagnie d'Occident and the arrêt of Council of the 27th September, 1717 "pourtant et qui unit et incorpore le pays des *Illinois* à la *Louisiane*;" and ordering them

to be kept and observed according to their form and tenour, "Non-obstant tous edits, déclarations, arrêts, ordonnances, régléments, usages et autres choses à ce contraires, aux quelles nous avons derogé et dérogon par ces presentes. (Signé) LOUIS. Et plus bas, par le Roi, le Duc d'Orleans, Regent, present; PHELIPPEAUX, avec paraphe. *Edits, ordonnances Royaux, déclarations et arrêts du Conseil d'Etat du Roi.* Desbarats: Quebec, 1803, T. I., pp. 375-6. Registered by the Greffier of the Superior Council of Quebec, Oct. 2, 1719.*

* ILLINOIS ANNEXED TO LOUISIANA.

Extract from the Registers of the King's Council of State.

The King in Council, having under consideration the letters patent in form of an edict of the month of August last, establishing a commercial company under the name of the Western Company (Compagnie d'Occident); together with those of the 14th September, 1712, granted to Sieur Crozat, and being of opinion that it would be conducive to the service of the King, and of use and advantage to the Western Company, to extend the Government of the Province of Louisiana, by adding to it the country of the savages, called the Illinois. The report being read and everything considered, His Majesty in Council, on the advice of the Duke of Orleans, his uncle, Regent, has united and incorporated the country of the savages to the Government of the Province of Louisiana, desires and intends that the said Western Company shall enjoy the lands comprised under the name of the said country in the same way that it ought to enjoy those granted to it by the said letters patent in the month of August last, and that the commandants, officers, soldiers, habitants and others who are or who may be in the said country will recognize the authority of the General in command of Louisiana, and yield obedience to him, without any kind of opposition, on pain of disobedience. Done at the King's Council of State, in the presence of His Majesty, held at Paris, on the twenty-seventh of September, 1717.

(Signed)

PHELIPPEAUX.

And then follows the words: Compared with the original by our esquire, councillor-secretary of the King, House and Crown of France and of his finances.

(Signed)

LE NOIR, with paraphe.

On the 19th June, 1718, the King notified the Marquis de Vaudreuil, Lieutenant-Governor of New France, le Sieur Begon, Intendant, and the officers of the superior Council at Quebec, to read and publish the letters patent in form of edict of August, 1717, establishing the Western Company, and the arrêt of the Council of the 27th September, 1717, incorporating the country of the *Illinois* with *Louisiana*; and ordering them to be kept and observed according to their form and tenour, notwithstanding any edicts, declarations, arrêts, ordinances, rules, usage, and other things contrary thereto, from which we have derogated and do by these presents derogate:

(Signed)

LOUIS.

And lower down: by the King, the Duke of Orleans, Regent, present,

(Signed)

PHELIPPEAUX, with paraphe.

Edits, ordonnances Royaux, déclarations, et arrêts du conseil d'etat du roi.

Registered by the Clerk of the Superior Council of Quebec, Oct. 2, 1719.

LOUIS XV. TO MM. DE BEAUHARNOIS AND HOCQUART.

Marly, May 8, 1731.

"They (MM. de Beauharnois and Hocquart) are to be informed that His Majesty has accepted the surrender of the Province of Louisiana and of the Illinois country from the India Company, to date from the 1st July next. They will find hereunto annexed copies of the arrêt issued on this subject. That Province will in future be dependent on the general government of New France, as it was previous to the grant to the Company.

"His Majesty has not determined whether the Illinois country is to remain dependent on the Government of Louisiana. That may, nevertheless, be most convenient, as the Governor-General will always be equally able to send his orders to it, and to be informed there of what occurs there in regard to the Indians. MM. de Beauharnois and Hocquart will examine whether it be proper to leave this country in its present state, or to disconnect it from the Government of Louisiana, as was the case before it had been granted to the company. They will be careful to report on that point, and to state the reasons for and against, whereupon His Majesty will communicate his intentions."

[In 1747-8, M. de Berthelot, the commandant at the Illinois, received aid from Louisiana. He had not received any aid from New Orleans for fifteen months, and did not know whether the English were masters of the colony or if His Majesty has abandoned Louisiana. There was not among the King's stores nor among the traders an ell of cloth nor a particle of ammunition. He was obliged to concentrate his forces at the village of the Caskaquias, and to abandon the other settlements to the mercy of the Indians.]

M. de Vaudreuil on the Campaign of 1759.

"The scarcity of provisions prevailing in the colony has determined me to send orders to the Illinois and Detroit to forward (to) the Presqu'île all the men these two posts can furnish."

NEGOTIATIONS FOR THE CESSION OF CANADA, 1761.

(From the French Memorial of Propositions, July 15, 1761.)

ARTICLE I.—The King cedes and guarantees Canada to the King of England, such as it has been and ought to be possessed by France, without restriction, and without the liberty of returning upon any pretence whatever against this cession and guarantee, and without interrupting the Crown of England in the entire possession of Canada.

ARTICLE II.—The King, in making over his full right of sovereignty over Canada to the King of England, annexes four conditions to the cession :

First, That the free exercise of the Roman Catholic religion shall be maintained there, and that the King of England shall give the most precise and effectual orders that his new Roman Catholic subjects may, as heretofore, make public profession of their religion, according to the rites of the Roman Church.

Secondly, That the French inhabitants or others, who have been subjects of the King in Canada, may retire into the French Colonies with all possible freedom and security ; that they shall be allowed to sell their effects and to transport their property as well as their persons, without being restrained in their emigration, on any pretence whatever (except for debt), and the English Government shall engage to procure them the means of transportation at as little expense as possible.

Thirdly, That the limits of Canada, with regard to Louisiana, shall be clearly and firmly established, as well as those of Louisiana and Virginia, in such manner that, after the execution of the peace, there may be no more difficulties between the two nations with respect to Canada or the other possessions of England.

[M. Bussy has a memorial on the subject of the limits of Louisiana, which gives him power to come to a final treaty on that article with the Ministry of His Britannic Majesty.]

Fourthly, That the liberty of fishing, and of drying their cod-fish on the Banks of Newfoundland, may be confirmed to the French as heretofore ; and as this confirmation would be illusory

if the French vessels had not a shelter in those parts appertaining to their nation, the King of Great Britain, in consideration of the guaranty of his new conquests, shall restore Isle Royal, or Cape Breton, to be enjoyed by France in entire sovereignty. It is agreed to fix a value on this restitution, that France shall not, under any denomination whatever, erect any fortifications on the island, and shall not bind herself to maintain a civil establishment there, and the port for the convenience of fishing vessels landing there.

(From the answer of the British Court to the French Memorial of Propositions, July 29, 1761.)

1. His Britannic Majesty will never recede from the entire and total cession, on the part of France, without any new limits, or any exception whatever, of all Canada with its appurtenances; and His Majesty will never relax, with regard to the full and complete cession on the part of France, of the Isle of Cape Breton, and of the other islands in the Gulf and River of St. Lawrence, with the right of fishing which is inseparably incident to the possession of the aforesaid coasts, and of the canals or straits which lead to them.

2. With respect to fixing the limits of Louisiana, with regard to Canada, or the English possessions situate on the Ohio, as also on the coast of Virginia, it never can be allowed that whatever does not belong to Canada shall appertain to Louisiana, nor that the boundaries of the last Province shall extend to Virginia, or to the British possessions on the borders of the Ohio; the nations and countries which lie intermediate, and which form the true barriers between the aforesaid Provinces, not being proper, on any account, to be directly or by necessary consequence ceded to France, even admitting them to be included in the limits of Louisiana.

* * * * *

10. The demand of the restitution of the captures at sea before the declaration of war cannot be admitted, such a claim not being founded on any particular convention, and by no means resulting from the law of nations, as there is no principle more incontestable

than this, viz., that the absolute right of all hostile operations does not result from a formal declaration of war, but from the hostilities which the aggressor had first offered.

(From the Ultimatum of France in reply to that of England, August 5, 1761.)

The King renews the declaration which he made to His Britannic Majesty, to the Memorial of Propositions for Peace, which has been transmitted to Mr. Stanley, and to which the Court of England has given no answer, either by word of mouth or in writing. His Majesty again declares that if the negotiations entered into at London, for the re-establishment of peace between the two Crowns, has not the desired success, all the articles agreed to in that negotiation by France cannot be represented, on any occasion, as settled points, any more than the memorial of the month of March last, relative to the *Uti possidetis*.

“1. The King consents to cede Canada to England in the most extensive manner, as specified in the Memorial of Propositions; but His Majesty will not recede from the conditions he has annexed to the same memorial relative to the Catholic religion, and to the power, facility, and liberty of emigration for the ancient subjects of the King. With regard to the fishery in the Gulf of St. Lawrence, the King means to maintain the immemorial right which his subjects have of fishing in the said gulf and of drying their fish on the Banks of Newfoundland, as it was agreed by the Treaty of Utrecht. As this privilege would be granted in vain if French vessels had not some shelter appertaining to France in the gulf, His Majesty proposed to the King of Great Britain the restitution of the Island of Cape Breton; he again proposes either that island, or such other port, without fortifications, in the gulf, as may serve the French as a shelter, and secure to France the liberty of fishing, from whence His Majesty has no intention to recede.

“2. The King has in no part of his Memorial of Propositions affirmed, that all that did not belong to Canada appertained to Louisiana: it were even difficult to conceive how such an asser-

tion could be advanced. France, on the contrary, demands that the intermediate nations between Canada and Louisiana, as also between Virginia and Louisiana, shall be considered as neutral nations, independent of the sovereignty of the two crowns, and serve as a barrier between them. If the English Minister would have attended to the instructions of M. Bussy on this subject, he would have seen that France agreed with England as to this proposition."

(*Mr. Pitt to M. Bussy, August 15, 1761.*)

* * * It belongs, Sir, to Europe to judge whether this is the Court which has shown an aversion to peace, or whether it is not that which, after so many variations and delays on her part, arbitrarily continues to insist on objects in America which we have a right to by the *Uti possidetis*, and which would make a direct attempt on the essential right of our conquests in Canada and its appurtenances in the Gulf of St. Lawrence ; which, in Germany, not only refuses to give up her conquests, gained over His Majesty's allies, as a just compensation for the important restitutions with which His Majesty is willing to accommodate France, but even pretends to impose an obligation on His Majesty not to fulfil the engagements of his Crown towards the King of Prussia ; which, moreover, not satisfied with throwing so many obstacles in the way of peace, has not scrupled to interpose new perplexities in opposition to this precious blessing, for which the nation sighs, by intermixing, too late, matters so foreign to the present negotiation between the two Crowns as to the discussions between Great Britain and Spain.

(*From the answer of the British Minister to the Ultimatum of France, delivered to M. Bussy August 16, 1761.*)

His Most Christian Majesty having repeatedly declared, in the *ultimatum* of the Court of France, remitted to Mr. Pitt by M. Bussy, as well as in the Memorial of the Propositions of Peace, which was remitted by the Duke de Choiseul to Mr. Stanley, that if the negotiation entered into between the two Crowns has

not the desired effect, all the articles conceded in that negotiation by France cannot be considered in any case as points agreed upon, any more than the memorial of the month of March last, in relation to the *Uti possidetis*, the King declares, in return, that if the concessions His Majesty has made to bring about peace shall not be accepted by his Most Christian Majesty, the important restitutions offered to France, as well as the other circumstances hereinafter expressed, cannot for the future be considered as given up.

ARTICLE I.—The King will not desert his claim to the entire and total cession of all Canada and its dependencies, without any limits or exceptions whatever; and likewise insists on the complete cession of the Island of Cape Breton, and of other islands in the Gulf and River St. Lawrence.

Canada, according to the lines of its limits traced by the Marquis de Vaudreuil himself, when that Governor surrendered the said Province by capitulation to the British General, Sir J. Amherst, comprehends on one side the Lakes Huron, Michigan and Superior; and the said line drawn to Red Lake takes in, by a serpentine progress, the river Ouabachi, as far as its junction with the Ohio, and from thence extends itself along the latter river as far, inclusively, as its influx into the Mississippi.*

It is in conformity to this state of the limits made by the French Governor, that the King claims the cession of Canada; a Province which the Court of France, moreover, has offered anew by their *ultimatum* to cede to His Britannic Majesty, *in the most extensive manner, as expressed in the Memorial of Propositions of Peace of 13th July.*

As to what concerns the public profession and exercise of the Roman Catholic religion in Canada, the new subjects of His Britannic Majesty shall be maintained in that privilege without interruption or molestation; and the French inhabitants or others,

* Vaudreuil denied, in a letter to the Duc de Choiseul, October 2nd, 1761, that he had delivered such a map to General Amherst at the time of the capitulation. But he admitted that Canada extended, on one side, to the "carrying place of the Illinois, which is the height of land whose rivers run into the Ouabache, on one side, and on the other to the head waters of the Illinois."

who may have been subjects of the Most Christian King in Canada, shall have full power and liberty to sell their effects, provided they dispose of them to the subjects of His Britannic Majesty, and to transport their property, as well as their persons, without being restrained from their emigration, under any pretence whatever (unless in case of debt, or for the breach of criminal laws); it being always understood that the time granted for the said emigration shall be limited to the space of one year, to be computed from the day of the ratification of the definitive treaty.

ARTICLE II.—As to what respects the line to be drawn from Rio-Perdido, as contained in the note remitted by M. Bussy, of the 18th of this month, with regard to the limits of Louisiana, His Majesty is obliged to reject so unexpected a proposition, as by no means admissible in two respects.

1. Because the said line, under colour of fixing the limits of Louisiana, annexes vast countries to that Province, which, with the commanding posts and forts, the Marquis de Vaudreuil has, by the most solemn capitulation, incontestably yielded into the possession of His Britannic Majesty, under the description of Canada, and that consequently, however contentious the pretensions of the two Crowns may have been before the war, and particularly with respect to the course of the Ohio, and the territories in that part, since the surrender of Canada, and the line of its limits has been traced, as aforesaid, by the Marquis de Vaudreuil, all those opposite titles are united, and become valid without contradiction, to confirm to Great Britain, with all the rest of Canada, the possession of those countries on that part of Ohio which have hitherto been contested.

2. The line proposed to fix the bounds of Louisiana cannot be admitted, because it would compromise in another part, on the side of the Carolinas, very extensive countries and numerous nations, who have always been reputed to be under the protection of the King, a right which His Majesty has no intention of renouncing; and then the King, for the advantage of peace, might consent to leave the intermediate countries under the protection of Great Britain, and particularly the Cherokees, the Creeks, the

Chicasaws, the Chactaws, and another nation, situate between the British settlements and the Mississippi.

ARTICLE IV.—The important privilege granted by the 13th Article of the Treaty of Utrecht, under certain limitations and restrictions, to the subjects of France, for fishing and drying their cod fish on a certain part of the Banks of Newfoundland, has not been refused by Great Britain, but connected with a reciprocal satisfaction on the part of France, with regard to the indispensable object of Dunkirk, which the King has required, and still requires : it is, therefore, on condition that the town and port of Dunkirk shall be put in the condition it ought to have been in the last Treaty of Aix la Chapelle, that His Majesty consents to renew to France the privilege of fishing and of drying their fish, by virtue of the Treaty of Utrecht, upon the aforesaid district of Newfoundland.

(Signed) H. STANLEY.

(From the last Memorial of France to England, delivered to Mr. Pitt by M. Bussy, Sept. 13, 1761.)

The King accepts the declaration of the King of England contained in the preamble of the answer, and renews that which he before made to his Majesty on this head, in such manner that it is concluded between the two Courts finally and without ambiguity, that if peace is not the result of the present negotiation, all that has been said, written and negotiated between the two Crowns, since the memorial of the 26th of March inclusive to the moment of the rupture, shall be void and of no effect, and shall not be brought as an argument in favour of either of the parties, in any future negotiation of peace.

ARTICLE I.—The King has declared in his first memorial, and in his *ultimatum*, that he will cede and guarantee to England the possession of Canada, in the most ample manner. His Majesty still persists in that offer, and without discussing the line of its limits marked on a map presented by Mr. Stanley ; as that line, on which England rests its demands, is without doubt the most

extensive bound which can be given to the cession, the King is willing to grant it.

His Majesty had annexed four conditions to his guaranty : it seems that England agrees to them ; only the King conceives that the term of one year for the sale of the French effects and for emigration is too short, and his Majesty desires that it may be agreed to extend the term of one year to eighteen months at least.

As the Court of England has added to the first article of its answer to the entire and total cession of Canada, as agreed between the two courts, the word *dependencies*, it is necessary to give a specific explanation of this word, that the cession might not in the end occasion difficulties between the two Courts with regard to the meaning of the word dependencies.

ARTICLE II.—The first paragraph, with regard to the limits of Louisiana, contained in the second article of the answer from England, is agreed to by France. The second paragraph is neither just nor explicit, and it is finally proposed to express in the following terms :

The intermediate savage nations between the lakes and the Mississippi, and within the line traced out, shall be neuter and independent, under the protection of the King, and those without the line, on the side of the English, shall likewise be neuter and independent, under the protection of England. The English traders also shall be prohibited from going among the savage nations beyond the line, on either side ; but the said nations shall not be restrained in their freedom of commerce with the French and English, as they have exercised it heretofore.

ARTICLE IV.— * * * England always endeavours to connect the liberty of fishing and drying codfish on part of the coast of Newfoundland, granted by the fifteenth article of the Treaty of Utrecht, with the ninth article of the same treaty, which stipulates the demolition of Dunkirk. It is given in answer to England for the fourth and last time, that the two stipulations of the Treaty of Utrecht have nothing in common between them, unless that they are both comprised in the said treaty ; and that the

concession expressed in favour of the French in the thirteenth article of that treaty, is a compensation for the cession of Newfoundland and Annapolis Royal, made on the part of France to England by the twelfth and thirteenth articles of the same treaty.

CANADIAN ENTERPRISE IN THE NORTH-WEST AFTER THE CONQUEST.

Sir Alexander Mackenzie, in his *Account of the Rise, Progress, and Present State of the Fur Trade* (1801), shows how the Canadian traders preceded the Hudson's Bay Company in the north-west. The following is abridged from his work, but is given in his own language:—

“For some time after the conquest of Canada, this trade was suspended, which must have been very advantageous to the Hudson's Bay Company, as all the inhabitants to the westward of Lake Superior were obliged to go to them for such articles as their habitual use had rendered necessary. Some of the Canadians who had lived long with them, and were become attached to a savage life, accompanied them thither annually, till mercantile adventurers again appeared from their own country, after an interval of several years.

“It was so late as the year 1766, before which, the trade I mean to consider commenced from Michilimakinac. The first who attempted it were satisfied to go the length of the River Camenistiquia, where the French had a principal establishment, and was the line of their communication with the interior country. It was once destroyed by fire. Here they went and returned successful in the following spring to Michilimakinac. Their success induced them to renew their journey, and incited others to follow their example. Some of them remained at Camenistiquia, while others proceeded to and beyond the Grand Portage, which since that time has become the principal entrepôt of that trade, and is situated in a bay, in latitude 48° north, and longitude 90° west.

After passing the usual season there, they went back to Michilimackinac as before, and encouraged by the trade, returned in increased numbers. One of these, Thomas Curry, with a spirit of enterprize superior to that of his contemporaries, determined to penetrate to the furthest limits of the French discoveries in that country; or at least till the frost should stop him. For this purpose he procured guides and interpreters, who were acquainted with the country, and with four canoes arrived at Fort Bourbon, which was one of their posts, at the west end of the Cedar Lake, on the waters of the Saskatchewan. His risk and toil were well recompensed, for he came back the following spring with his canoes filled with fine furs, with which he proceeded to Canada, and was satisfied never again to return to the Indian country.

“From this period people began to spread over every part of the country, particularly where the French had established settlements.

“Mr. James Finlay was the first who followed Mr. Curry’s example, and, with the same number of canoes, arrived, in the course of the next season, at Nipawee, the last of the French settlements on the bank of the Saskatchewan River, in latitude nearly $43\frac{1}{2}^{\circ}$ ($53\frac{1}{2}$?) north and longitude 103° west: he found the good fortune, as he followed, in every respect, the example of his predecessor.

“As may be supposed, there were now people enough ready to replace them, and the trade was pursued with such avidity, and irregularity, that in a few years it became the reverse of what it ought to have been. An animated competition prevailed, and the contending parties carried the trade beyond the French limits, though with no benefit to themselves or neighbours, the Hudson’s Bay Company; who, in the year 1774, and not till then, thought proper to move from home to the east bank of Sturgeon Lake, in latitude $53^{\circ} 56'$ north and longitude $102^{\circ} 15'$ west, and became more jealous of their fellow-subjects, and, perhaps, with more cause, than they had been of those of France. From this period to the present time, they have been following the Canadians to their different establishments, while, on the contrary, there is not

a solitary instance that the Canadians have followed them; and there are many trading posts which they have not yet attained.

"This competition, which has been already mentioned, gave a fatal blow to the trade from Canada, and, with other incidental causes, in my opinion, contributed to its ruin.

"Thus was the trade carried on for several years, and consequently becoming worse and worse, so that the partners, who met them at the Grand Portage, naturally complained of their ill-success.

"It was about this time, that Mr. Joseph Frobisher, one of the gentlemen engaged in the trade, determined to penetrate into the country yet unexplored, to the north and westward, and, in the spring of the year 1775, met the Indians from that quarter on their way to Fort Churchill, at Portage de Trait , so named from that circumstance on the banks of the Missinipi, or Churchill River, latitude $55^{\circ} 25'$ north, longitude $103\frac{1}{4}^{\circ}$ west. It was, indeed, with some difficulty that he could induce them to trade with him, but he at length procured as many furs as his canoes could carry. He then sent his brother to explore the country still further west, who penetrated as far as the lake of Isle   la Crosse, in latitude $55^{\circ} 26'$ north and longitude 108° west.

"The success of this gentleman induced others to follow his example, and in the spring of the year 1778, some of the traders on the Saskatchewan River, finding they had a quantity of goods to spare, agreed to put them into a joint stock, and gave the charge and management of them to Mr. Peter Pond, who, in four canoes, was directed to enter the English River, so called by Mr. Frobisher, to follow his track, and proceed still further; if possible, to Athabasca, a country hitherto unknown but from Indian report. In this enterprize he at length succeeded, and pitched his tent on the banks of the Elk River, by him erroneously called the Athabasca River, about thirty miles from the Lake of the Hills, into which it empties itself.

"Here he passed the winter of 1778-9; saw a vast concourse of the Knisteneaux and Chepewyan tribes, who used to carry their furs annually to Churchill; the latter by the barren grounds,

where they suffered innumerable hardships, and were sometimes even starved to death. The former followed the course of the lakes and rivers, through a country that abounded in animals, and where there was plenty of fish : but though they did not suffer from want of food, the intolerable fatigue of such a journey could not be easily repaid to an Indian : they were, therefore, highly gratified by seeing people come to their country to relieve them from such long, toilsome, and dangerous journeys ; and were immediately reconciled to give an advanced price for the articles necessary to their comfort and convenience. Mr. Pond's reception and success was accordingly beyond his expectation ; and he procured twice as many furs as his canoes would carry.

“ These, however, were but partial advantages, and could not prevent the people of Canada from seeing the improper conduct of some of their associates, which rendered it dangerous to remain any longer among the natives.

“ About the same time, two of the establishments on the Assiniboine River were attacked ; and nothing but the greatest calamity that could have befallen the natives, saved the traders from destruction : this was the small-pox, which spread its destructive and desolating power, as the fire consumes the dry grass of the field. The fatal infection spread around with a baneful rapidity which no flight could escape, and with a fatal effect that nothing could resist.

“ The consequence of this melancholy event to the traders must be self-evident : the means of disposing of their goods were cut off ; and no furs were obtained but such as had been gathered from the habitations of the deceased Indians, which could not be very considerable ; nor did they look from the losses of the present year with any encouraging expectations to those which were to come. The only fortunate people consisted of a party who had again penetrated to the northward and westward in 1780, at some distance up the Missinipi, or English River, to Lake la Rouge. Two unfortunate circumstances, however, happened to them, which are as follow :

“ Mr. Wadin, a Swiss gentleman, of strict probity and known

sobriety, had gone there in the year 1779, and remained during the summer of 1780.

"The other circumstance was this. In the spring of the year, Mr. Pond sent the clerk to meet the Indians from the northward, who used to go annually to Hudson's Bay; when he easily persuaded them to trade with him, and return back, that they might not take the contagion which had depopulated the country to the eastward of them; but most unfortunately they caught it here, and carried it with them, to the destruction of themselves and the neighbouring tribes.

"The country being thus depopulated, the traders and their friends from Canada, who, from various causes already mentioned, were very much reduced in number, became confined to two parties, who began seriously to think of making permanent establishments on the Missinipi River, and at Athabasca; for which purpose, 1781-2, they selected their best canoe-men, being ignorant that the small-pox penetrated that way. The most expeditious party got only in time to the Portage la Loche, or Mithy-Ouinigam Portage, which divides the waters of the Missinipi from those that fall into the Elk River, to dispatch one canoe strong-handed, and light-loaded, to that country; but, on their arrival there, they found, in every direction, the ravages of the small-pox; so that, from the great diminution of the natives, they returned in the spring with no more than seven packages of beaver. The strong woods and mountainous countries afforded a refuge to those who fled from the contagion of the plains; but they were so alarmed at the surrounding destruction, that they avoided the traders, and were dispirited from hunting except for their subsistence. The traders, however, who returned into the country in the year 1782-3, found the inhabitants in some sort of tranquillity, and more numerous than they had reason to expect, so that their success was proportionably better.

"During the winter of 1783-4, the merchants of Canada engaged in this trade formed a junction of interests, under the name of the North-West Company, and divided it into sixteen sharès, without depositing any capital; each party furnishing a proportion or

quota of such articles as were necessary to carry on the trade: the respective parties agreeing to satisfy the friends they had in the country, who were not provided for according to this agreement, out of the proportions which they held."

EXTENT OF COUNTRY WHICH THE NORTH-WEST COMPANY OCCUPIED.

The extent of country which the North-West Company continued to occupy, after the year 1791, is a point of great importance. Mr. David Thompson, astronomer and surveyor of that company, commenced in 1796 to survey the position of its posts, some of which had been placed as far south as the source of the Mississippi, or even further, when that point was supposed to be the northern boundary of the United States. But when the 49° became the boundary line, it was necessary to ascertain what posts were on the south of it, as the company would be required to vacate them. Mr. Thompson had previously been in the employ of the Hudson Bay Company; but the aversion of that organization to new discoveries caused him to accept employment under the North-West Company, when his first engagement had expired. In the summer of 1795, he had, with no other aid than that of two young Indians, who knew nothing about the country to be travelled over, and one Irishman, made his way from the shores of Hudson's Bay to the east end of Athabaska Lake. He has left behind him a manuscript, giving an account of his travels, when he determined the position of the North-West Company's posts; and it is of great importance as showing exactly what extent of country was still held by that company, the successor of the original discoverers of the north-west, some of whose posts it still continued to keep up. This country, so held, and of which the Hudson's Bay Company had not taken possession, had not ceased to be part of Canada at a period later than 1791. I shall follow Mr. Thompson's MS. closely; and it may be advisable to

resort to some details connected with this official survey of the country, on account of the great importance of the subject.

After returning from Athabaska, Mr. Thompson was informed by a letter from Mr. Joseph Colen, the resident at York Factory, with whose sanction the expedition to Athabaska Lake had been undertaken, that he could not sanction any more surveys, whatever might be the extent of the territory still unknown to the H. B. Company. Mr. Thompson's term of service had expired, and his thirst for further discoveries determined him to seek employment from the North-West Company, composed of Canadian merchants, and carrying on their traffic with the Indians from Lake Superior. Accompanied by two Indians, he proceeded to the nearest trading-house of that company, which was under the charge of Mr. Alexander Frazer; and thence, by the usual canoe route, to the great carrying-place on the north shore of Lake Superior, then the depôt of the company's treasures: of merchandize from Montreal and furs from the interior. The agents of the company, the Hon. Wm. McGillivray and Sir Alexander McKenzie, were also partners; men of enlarged views: one of them had already crossed the Rocky Mountains, by the Peace River, and had proceeded far by the Frazer towards the Pacific Ocean, when the hostility of the natives and want of provisions had obliged him to return, and who was destined to make discoveries in these countries that would render his name immortal.

The services of Mr. Thompson were very acceptable to these gentlemen. They desired to learn the position of their trading-houses, with respect to one another, and also to the 49° of north latitude, become, since the Treaty of 1792, the boundary line between Canada and the United States, from the north-west corner of the Lake of the Woods to the Rocky Mountains, in lieu of a line from the former point to the head of the Mississippi, as designated by the Treaty of 1783. The source of the Mississippi was then known only to the Indians and a few fur traders, and was supposed to be further north than the Lake of the Woods. Mr. Thompson was instructed to survey the 49th parallel of latitude, to go as far as the Missouri River, visit the ancient villages

of the agricultural natives who dwelt there, to enquire for the fossils of large animals, and to search for any monuments that might throw light on the ancient state of the countries to be travelled over and examined. He received orders on all the agents and trading-posts of the company for men and whatever else he might require. This liberality and display of public spirit he could not help contrasting with the stinginess of the Hudson Bay Company, who had done little in the way of discovery which had not been forced on them by the demands of the British Government.

But the way in which it performed this duty was calculated to conceal the very knowledge which it was desired to obtain. It had, in 1785, been requested to send out a competent person to ascertain the latitude and longitude of the west end of Athabaska Lake. Mr. Peter Pond, one of the clerks of the North-West Company, who had wintered three years at Fort Chippewayan, on the north side of Athabaska Lake, had made a rough map of the country, which placed the west end of Athabaska Lake near the Pacific Ocean. If this were true, the route across the continent, at this point, might be made available for one purpose or another. Pond had taken his distances from the supposititious leagues of the canoe-men, which Mr. Thompson found to average only two miles each. The agents of the company sent a copy of this map to Sir Hugh Dalrymple, who was then in office ; and he, by comparing it with the charts of Captain Cook, found that it brought the west end of Athabaska Lake within less than one hundred miles of the Pacific Ocean. This was the point which the British Government required the company to determine by actual survey.

And Mr. Thompson relates how the company performed this duty. It sent out a boy, fifteen years of age, first making him an apprentice for seven years, of the name of George Charles. Having spent one year at a mathematical school, and, armed with a quadrant, had thrice performed the feat of bringing down the sun to a chalk line on a wall, he was forthwith pronounced competent for the duty required. The result of entrusting this lad

with a duty which he was quite incompetent to discharge, was to keep from the Colonial Office the required knowledge for five years ; and it was not till 1790 that it was obliged, by the pressing instance of the Colonial Department, to send out a properly qualified person, Mr. Philip Turner, by whom the desired information was obtained.

This Peter Pond, who had so inaccurately laid down the west end of Athabaska Lake, was a violent and unprincipled character, became implicated in the death of Mr. Ross, a fur trader, and was afterwards accused as principal in the murder of Mr. Wadden, another fur trader. He was sent to Quebec, to be tried on the latter charge ; but was released on the ground that the jurisdiction of the court did not extend to these distant territories. Being set at liberty, he went to Boston, Massachusetts, his native city, in 1792. Next year brought peace between the thirteen old colonies and England. The British Commissioners, who had to deal with the boundary question, were ignorant of the geography of the country beyond Lake Ontario ; and they had but wretched assistance for their guidance in the shape of maps ; one of them, by Farren, dated 1773, stopped short in any actual information at Toronto ; the whole country to the west being represented as alternations of rock and swamp, and uninhabitable. Mitchell's was somewhat better, and was the best to which they had access. The American Commissioners had Pond at their elbow ; and though his knowledge of the true position of places was extremely inaccurate, he had much knowledge of the value of the interior countries. Pond is said to have designated to the American Commissioners a boundary line through the middle of the Upper St. Lawrence and the lakes, and through the interior countries to the north-west corner of the Lake of the Woods, and thence west to the Mississippi ; a line that was accepted by the British Commissioners.

Before proceeding to give an account of Mr. Thompson's survey of the boundary line, we must trace the route of the North-West Company of those days from Lake Superior to Winnipeg. In August, 1796, Mr. Thompson started from the south-east end of

the Great Carrying Place, on Lake Superior, latitude $47^{\circ} 58' 1''$ north, longitude $89^{\circ} 44' 20''$ west of Greenwich. To this point came the canoes from Montreal, each one carrying from forty to forty-five pieces of merchandize, each piece weighing from ninety to one hundred pounds, besides spirituous liquors; the return cargoes consisting of furs. Then the merchandize was made into assorted packages of ninety pounds each. The canoes destined to carry them into the interior were of less capacity, but each one was capable of carrying twenty-five pieces, besides the necessary provisions for the voyage and the baggage of the men; making altogether a weight of about 2,900 lbs.; to which add five men, and the complete canoe load will reach 3,700 lbs.

These moved in brigades of four to eight canoes, to different points in the interior country. That on which Mr. Thompson embarked contained four, and was under charge of Mr. Hugh McGillis; the day of starting being August 9, 1796. His instruments consisted of a sextant of ten inches radius, with quicksilver and parallel glasses, an excellent achromatic telescope, one of a smaller kind, drawing instruments and thermometers; all by Dolland. They proceeded over the Great Carrying Place, which takes a north-west direction from the starting point, and is eight miles and twenty yards long, to Pidgeon River. This point is about three hundred feet above Lake Superior. These eight miles odd consumed five days—days of severe labour to the men. From Pidgeon River to the height of land the distance is thirty-eight miles, in which there are twelve carrying places which are together five-and-a-half miles of the distance. The height of land to which we have now come is in latitude $48^{\circ} 6' 43''$ north, longitude $90^{\circ} 34' 38''$ west, variation six degrees east. South-east from this dividing ridge, the streams run into Lake Superior, north-east by east into Lake Winnipeg, and thence into Hudson's Bay.

The country passed over in the forty-eight miles between here and Lake Superior contains many brooks and small lakes of good clear water, and parts of it seem adapted for pasturage.

The country now declines to the north-east, and is intersected

by many streams, having the same direction : they collect finally into a fine river. Rainy Lake is a fine body of water, nine or ten miles in length, and emptying into Rainy River by a descent of about ten feet. Here, below this fall, stood a trading-house of the North-West Company, in latitude $48^{\circ} 36' 58''$ north, longitude $93^{\circ} 19' 30''$ west. The distance from the height of land to this point is one hundred and seventeen miles. The country is more favourable for agriculture than the previous section from Pigeon River to the height of land ; and "in several places good farms can be made." Rainy River is a fine stream, about two hundred yards wide, interrupted in its course by only one rapid ; at the foot of which, in the season, the natives spear, or used to spear, many fine sturgeon. By this river we travel fifty miles and a half to the Lake of the Woods. The banks present all the appearance of a country capable of cultivation ; but the rock lies at no great distance from the surface. The Lake of the Woods is thirty-two and a half miles long, and it contains many bays. Its area may be estimated at about eight hundred square miles, over which are scattered many islets. The north-east shores are of granite ; the western, of limestone, touch on the great alluvial.

The Lake of the Woods is memorable in geographical and diplomatic history. It has been the starting point in every treaty of the boundary line between the Dominion of Great Britain and the territories of the United States. It is the southernmost lake of the Stony Region ; the first that having limestone on its western side, has granite, greenstone and clay slate on the north and the east.

Out of this lake flows the River Winnipeg (sea river) in a north-eastern direction, into Lake Winnipeg. It is a bold deep stream about three hundred yards in width, contains many isles, and has thirty-two falls and several channels. It is of granite formation throughout its whole course of one hundred and twenty-five miles. At the point of its entrance into Lake Winnipeg, the North-West Company had a trading-house, which owed its origin to the French. Its position was latitude $50^{\circ} 37' 46''$ north, longitude $95^{\circ} 59' 34''$ west, variation nine degrees east. Though the falls are so numer-

ous, the aggregate length of the carrying places is only three miles.

From Grand Portage to Lake Winnipeg the country was probably never rich in fur-bearing animals ; and it has now long since been exhausted as a hunting ground either for fur-bearing or food-producing animals, but few of either remaining. The natives, who are Chippeways, drew their chief means of subsistence from the waters : sturgeon, white-fish, pike, mackerel, and carp being the principal kinds of fish found there. Winnipeg House was an important depot of provisions, which were brought in canoes from the bison countries that surround the Red River (of the north) and the Saskatchewan, and distributed to the canoes and boats for the several wintering places on Lake Winnipeg. Red River enters the lake at a distance of forty-two miles from Winnipeg House ; further north the Dauphin contributes its waters, and at the north-west corner of the lake the Saskatchewan, in latitude $53^{\circ} 43' 45''$, longitude $98^{\circ} 31'$ west, comes in on its way to Hudson's Bay. This lake receives many lesser streams both on the east and the west. All these waters were valuable as highways for fur traders. From Winnipeg House to the lower end of the Saskatchewan, the western coast line, which runs north thirty-six degrees west, is two hundred and thirty-one miles ; the eastern side is longer, being about two hundred and seventeen miles ; the width at either end is about forty-five miles. The area of this lake, with its islands, is about ten thousand and eighty square miles. The woods all round the lake are composed of small trees, full of branches. Neither deer nor other animals were abundant but the waters abounded with good fish.

Mr. Thompson set out from Winnipeg House, coasting along the limestone shores of the lake, mostly low, but sometimes forming cliffs fifty feet high, to the mouth of the Dauphin River. The course in a straight line was north 43° west, one hundred and twenty-seven miles. He then proceeded up the Dauphin River, which is about thirty yards wide and three deep, and runs through a forest. Both the soil and the timber improved in quality as we proceeded, but deer and beaver are scarce. The gen-

eral course for the first eight miles was south by west; but there were many turnings in the river. This brought us to the Meadow Carrying Place, two thousand seven hundred and sixty yards long, which took him to Lake Winepagos (the little sea). It would have been practicable to reach the lake by continuing on the river; but it was so circuitous as to cause the Carrying Place to be preferred. On this lake we went a distance of fifty-nine miles to Swan River, a small stream only about fifteen yards wide and three deep, and which runs with a gentle current through a fine country. We are now among low hills and the heights; which the deer, after spending the summer there, are beginning to leave. Beaver now become plentiful.

Having proceeded twelve miles up the river, he came to Swan River House, of the North-west Company, in latitude $52^{\circ} 24' 5''$ north, longitude $100^{\circ} 36' 52''$, variation 13° east. There were but two families of the native tribe to whom those countries belong, Nathaways. Several Chippeways had lately come from the south, their own country being exhausted of beaver and deer.

From Swan River (date September 26, 1796) we proceed with horses across the country, to the Stone Indian River, on which the North-West Company have several trading-houses, to the upper house, in charge of Mr. Cuthbert Grant; course forty degrees and a half west ninety miles; most of the way through fine forests, the ground being very good for the horses, except a few pieces of wet meadow, and even here they did not sink ankle deep.

We now make for the trading-house in charge of M. Belleau, between Swan River and Stone Indian River, which by observation is found to be in latitude $51^{\circ} 51' 9''$, longitude $102^{\circ} 3'$ west; course for the last thirty miles having been north twelve degrees west. This stretch contains much wet ground and ponds occasioned by beaver dams. We now return and proceed to the upper trading-house, in charge of Mr. Hugh McGillis, latitude $52^{\circ} 59' 7''$, longitude $102^{\circ} 32' 27''$, on a course north ten degrees east, a distance of one hundred and eleven miles in a direct line; the travelled distance, owing to the *détours* occasioned by the beaver ponds, being one hundred and fifty miles. These animals held full possession

of the country ; but they were being rapidly destroyed. All these trading houses of the North-West Company were on the south side of the range of hills which border on the great plains.

These countries were the hunting grounds of the Nathaway Indians. Mr. Thompson was disappointed in not finding numerous mineral springs in a country having such variety of hill and plain, forest and prairie ; beyond the saline brooks of the Red River, from which even then salt was obtained by evaporation, he learned of none.

The Nepissings, Algonquins, and Iroquois, their own countries being exhausted of animals, spread themselves over this country, with destructive march, so far as the beaver was concerned, northward and westward, meeting no molestation from the native Nathaways. The Chippeways and other tribes used the fatally baited steel-trap.* While the great beaver harvest lasted, the Indians were rich ; and they all, men, women and children, made a barbaric display of their wealth, in the use of silver brooches, earrings, wampum, beads and other trinkets. They wore fine scarlet cloth mantles, and sported other absurd fineries in dress. The canoes of the fur traders were loaded with beaver packs ; and the supply outran the demand so far as to bring down the price in the London market. But neither the inflated prosperity nor the excess of production could last long. Over countries of such vast extent as these, four years sufficed almost to complete the work of destruction. The Indians fell back into worse than their original poverty.

Mr. Thompson proceeded to the trading-house in charge of Mr. Thornburn, in latitude $50^{\circ} 28' 58''$, longitude $101^{\circ} 45' 45''$. Having determined the position of this place, he went down the Stone Indian River to the house in charge of Mr. John McDonell, latitude $49^{\circ} 40' 56''$, longitude $99^{\circ} 27' 15''$, the course being south by east, and the distance in a straight line one hundred and thirty-one miles. This river is about thirty yards in width, and, as it derives its water from the rains and snows, is of varying depth, according to the seasons. Its course is on the east side of the

* The bait was castorum, and was quite irresistible.

great plains and the west side of the low hills, whence it receives several brooks, and from the plains of Calling River a few. In addition to its being always shoal in autumn, its course is very sinuous. The Stone Indian River everywhere runs through an agreeable country with a good soil, well adapted for agriculture.

The bison, the moose, the red deer, and two species of antelope, here gave the Nathaways an easy means of subsistence.

The Stone Indians, a numerous tribe of the Sioux nation, possessed the country south and west of this river to the Missouri; but the more southerly and western parts they shared in common with several other tribes.

Mr. Thompson's journals, surveys and sketches having been translated out of crayon into ink, and there being nothing more to be done there, he set out from Mr. McDonell's, on a winter's journey, for the Mandan villages, on the banks of the Missouri, this 28th November, 1797. The guide and interpreter, Monsieur René Jussomme, had resided eight years in those villages, and spoke the Mandan language with fluency. There were also in the party Mr. Hugh McCracken, a good-hearted Irishman, who had been to the villages many times, and even resided there for weeks and months; seven French Canadians, good-humoured fellows, willing to hunt for the means of securing their greatest enjoyment—eating—who possessed not the least tincture of education, and did not see its value. All these, except Mr. Thompson's servant man, A. Brossman, were for the time free traders, on their own account, each of them having taken from Mr. McDonell, on credit, a venture in goods to the value of forty to sixty skins, to be paid for in kind. Having been supplied with ammunition, tobacco and trinkets to pay expenses on the way, Mr. Thompson provided with two horses, and Mr. Jussomme with one, the men having their own dogs, to the number of thirty, to haul their goods on flat sleds, everything was now ready for the journey. The half-wolf dogs had all been obtained in trade from the Stone Indians, by whom numbers are kept in their encampments. These brutes are extremely voracious.

After thirty-three days' travel, with the thermometer nearly

always below zero, and sometimes descending to 36° below, having encountered high winds and blinding snow-drifts, depending chiefly on the precarious chase for means of subsistence, and sometimes being in danger from hostile Indians, the party arrived at the village of the Fall Indians, lat. $47^{\circ} 25' 11''$, long. $101^{\circ} 21' 5''$, the whole distance travelled in that time being two hundred and eighty miles.

Although few of the Mandans had guns, they had already received some from trading parties of the Hudson's Bay Company, who had probably straggled through the country in a favourable season, much as the men belonging to Mr. Thompson's party were doing, or more likely they obtained them from traders they had met at a distance from their villages. This does not prove that that Company had any substantial occupation of this part of the country. The lower village of the Mandans was found to be in lat. $47^{\circ} 17' 22''$, long. $101^{\circ} 14' 24''$, variation ten degrees east.

The road from the Mandan villages to Stone Indian River House, travelled by Mr. Thompson, may be thus divided. Following from one piece of woods to another, where fuel and shelter could alone be obtained, the course to the Dog Tent Hill, north 28° east, was fifty miles; thence to the elbow of the Mouse River, north 49° east, twenty miles; thence to the south end of Turtle Hill, north 9° west, fourteen miles; thence to the Ash House, on Mouse River, north 3° west, twenty-four miles; thence to the house of Mr. McDonell, north 69° east, forty-five miles. A straight line between the two extreme points would run north 26° east, one hundred and eighty-eight miles.

Mr. Thompson spent three weeks in calculating the astronomical observations made in the late journey. Stone Indian River House was, by a series of observations, found to be in latitude $49^{\circ} 40' 56''$, longitude $99^{\circ} 27' 15''$, variation eleven degrees east.

On the 26th February, 1798, Mr. Thompson took leave of his hospitable friend, Mr. John McDonell, by whom he was furnished with everything necessary for his journey of survey. He was accompanied by three Canadians and an Indian guide, and six dogs hauled three sleds laden with provisions and baggage. The

course was sometimes on the ice of the Stone Indian River, but, to avoid its windings, mostly on the north side. In the afternoon the Manito Hills were reached—a long, low ridge of sand knolls, steep on the west side, sloping more gradually on the east, growing only a few patches of grass, and retaining no snow during the whole winter; which phenomenon the Indians regard as preternatural, and fix that idea in the name. Except the sand ridge, the country is very fine, especially at the junction of the Mouse River, about half a mile below the trading-house.

As the journey proceeded day after day, the snow was found to increase in depth, and it was no easy task to beat a path for the dogs and sleds; the snow shoes of the foremost man sinking six inches at every step. The guide became so fatigued that he had to be relieved two or three hours every day.

On the 7th March he arrived at the junction of Stone Indian with Red River, in latitude $49^{\circ} 53' 1''$, longitude 97° , variation nine degrees east. In a straight line the course is north 82° east, one hundred and twelve miles; the windings of the river are more than three times this distance, and the distance travelled was one hundred and sixty-nine miles.

On the 7th March, 1798, Mr. Thompson began the survey of the Red River, and on the 14th he arrived at the trading-house of the North-West Company, under charge of Monsieur Charles Chaboiller, by whom the party were kindly received. The travelling during these eight days was very difficult. The snow was fully three feet deep, and the surface of the river ice was covered by water, the weather being mild, with showers of rain. The snow, mixed with water, stuck to the sleds, and made it impossible for the dogs to haul them. Many times a couple of men had to assist the dogs in extricating them. In wet weather everything was soaked and had to be dried. To beat the road was slavish work. Ankles and knees were sprained by the weight of wet snow that adhered to the snow shoes; and the difficulty was increased by the long grass that had to be walked over. Mr. Thompson had to take the place of the guide. He tied a string to the toe of each snow-shoe, and holding the oppo-

site ends in his hands, lifted them out of the soft snow. In this way, with his gun slung on his back, the party marched on the west side of the river. The whole distance was over long prairie grass, very difficult to walk among. The only trees were of oak, ash, alder and nutwood; but the numerous charred stumps afforded evidence that on this side of the river had once grown a pine forest. In the more northern regions the pines, when destroyed by fire, have been succeeded by aspens, poplars and alders; but along the Red River the excellence of the soil and the mildness of the climate made the successors of the pines similarly destroyed, oak, ash, alder and nutwood.

At this trading-house, where he arrived on the 14th, Mr. Thompson remained six days. He determined its position to be latitude $48^{\circ} 58' 24''$, longitude $97^{\circ} 16' 40''$, variation of the compass eight and a half degrees east, being one minute and thirty-six seconds south of the United States boundary line, which Mr. Thompson pointed out, in order that the trading-house might be removed beyond it. This line was, several years later, confirmed by Major Long, of the united corps of engineers.* From the junction of the Stone Indian with the Red River it is south eleven degrees and a

* Nothing could be more unscientific than the mode in which the exploration of the country between Fort William and Red River, undertaken at great expense by the Canadian Government some years ago, was conducted. The expedition, which was under the charge of Mr. George Gladman, did not establish the position of a single point along the entire route; and the map compiled from their labours, without latitudes and longitudes, is as useless as a history without dates. The instructions were drawn up in the Secretary's office, where the necessary scientific knowledge was most likely wanting. Mr. Gladman undertook to pronounce "the communication by Winnipeg River as of no practical utility," on what appears to have been very slender knowledge. The navigation is sufficiently interrupted, but it used to be utilized by the North-West Company. The length of this river is greatly exaggerated in Mr. Dawson's estimate. He puts it at 160 miles; its true length, ascertained by careful survey, being only 125. Mr. Napier, another of the party, speaks of the great saving there would be by a line across the country, which would avoid the *détour* of the Winnipeg River; but his direct line is estimated at 116 miles, which is within nine miles of the true length of Winnipeg River, and is therefore pretty certainly in excess of the truth. Mr. Dawson estimates the saving by the land route at one hundred and forty miles, which is manifestly an exaggeration. The land route is the shortest, and it was desirable to avoid the difficult navigation of the Winnipeg River, but it was also desirable that distances should be accurately stated

quarter west, sixty-five and a half statute miles ; to the boundary line sixty-four miles.

The number of Indians (Chippeways) who traded at this house was ninety-five men ; and supposing every one of them to represent a family of seven souls, we have an aggregate of 665. At Rainy River House, in latitude $48^{\circ} 36' 58''$, longitude $93^{\circ} 19' 30''$, in a course hence south eighty-two degrees east, a distance of one hundred and eighty-four miles, sixty of the same tribe traded, representing four hundred and twenty more. If we divide the families by the mileage of the hunting-ground, every seven souls will be found to have had a hunting-ground of one hundred and fifty to one hundred and eighty square miles. And yet they had very little provisions to spare ; proof that this part of the country did not even then abound in wild animals. This circumstance would furnish a reason why the Hudson's Bay Company would not care to extend their operations there. The beaver had become scarce ; not being obliged to use the same hard materials in building his house as are necessary further north, this animal had been a comparatively easy prey to the Indian. In summer, these Indians subsist on fish, and in autumn, part of them on wild rice.

and the positions of the principal points on the route laid down ; but this exploring party established no positions, and their estimates of distances want every guarantee of accuracy. Professor Hind gives the length of the Lake of the Woods at seventy-two miles, which is more than twice the true distance (thirty-two and a half miles), and he says its breadth is equal to its length. This difference is not to be explained by a different view of what waters constitute the Lake of the Woods ; for from Rainy River, in the south, to Winnipeg River, in the north, the measured distance is only thirty-two and a half miles. He gives the distance between Lake Superior and the Lake of the Woods, by the Pidgeon River route, at 381 miles ; but as he does not give any starting point on Lake Superior, it is difficult to check the estimate. From the Grand Portage the distance is only twenty yards more than $213\frac{1}{2}$; but Mr. Hind probably intended that Fort William should be the starting point. Mr. Dawson confesses that part of his map was made from a sketch taken on the way, with no latitudes or longitudes to guide him ; that another part is copied from Indian charts, and is therefore of the same value with descriptions given by Indians at Tadousac, to the French, two and a half centuries ago, of the country west of Lake Ontario ; that a third part is reduced from the boundary survey ; and that Mr. Wells is responsible for the fancy sketch of Winnipeg River, which stops about half way, and looks like a broken tombstone. At a mere trifle of cost to the North-West Company, Mr. Thompson did far more work than this whole party, and infinitely better.

The Red River is here one hundred and twenty yards wide. Eleven miles further down it receives the waters of the Reed River, from the eastward. It is about the same width, but less deep. This part of the river is called Pembina, from a small stream that comes in. The deep rich soil of the Red River is everywhere fit for cultivation.

York Factory, on Hudson Bay, was distant, north twenty-four degrees east, six hundred and sixteen miles in a straight line, and not less than nine hundred miles by the only practicable route. The obstructions occasioned by carrying places would greatly lengthen the time and labour of the voyage.

On the 21st March, Mr. Thompson and party started on their journey down the banks of the river, and on the 25th arrived at the North-west Company's house, under charge of Monsieur Baptiste Cadotte, latitude $47^{\circ} 54' 21''$, longitude $96^{\circ} 19'$, variation 10° east. The weather was fine during the journey, and the frosts of night made the snow firm several hours of the day. In some places there was a fine border of woods along the river, from thirty to three hundred yards wide. Among the varieties were oak, ash, elm and basswood; the aspens became more frequent. There is a fine rich, deep soil the whole distance.

On the 9th April, the Red River being clear of ice, Mr. Thompson left the trading-house in charge of M. Cadotte, whither he had returned, in a canoe eighteen feet long, accompanied by three Canadians and a native woman, the wife of one of the men, provided with a stock of twelve days' provisions. The object of the expedition was to survey the country to the source of the Mississippi River. There was a choice of two routes: that direct to Red Lake, where the current was moderate, but liable to be encumbered with ice from the lake; or Clear Water River, where the current was swift, but where there was no fear of ice. The latter was chosen, and a slow progress up it commenced. This river was fifty yards wide, and now, from the melting of the snow, about eight feet deep, though in August and September its depth is not over two feet.

On the 11th, the junction of Wild Rice River was passed; after

which the current became more moderate and the quantity of water less. Next day the carrying place which leads to Red Lake River was reached ; a distance of sixty-four miles up this sinuous river having been made. The east or right bank was covered with a fine forest of pine, but higher up the aspen prevailed. On the west bank grew patches of hard wood, with a rich soil and fine meadows leading to the plain. The carrying place is four miles long, part marsh and part good ground ; it leads to the bank of the Red Lake River, in latitude $48^{\circ} 0' 55''$, longitude $95^{\circ} 54' 28''$, variation ten degrees east.

The course now lay up this river to Red Lake, a distance of thirty-two miles. Both banks were well timbered ; oak, ash and other hard woods being intermixed with aspen and poplars, the rich deep soil everywhere covered with water from the melting of the snow. So level was the surface that only here and there a bit of dry land was to be seen. At night the party cut down trees to sleep upon.

The head of this river, at its junction with the lake, was found by observation to be in latitude $47^{\circ} 58' 15''$, longitude $95^{\circ} 35' 37''$. To make a distance in a straight line north 82° east, it was necessary to travel one hundred and seventeen statute miles, and consume seven days of fourteen hours each.

At this lake, the old chief She-she-she-pas-kut, with six lodges of Chippeways, was encamped. The Chippeways being without a canoe, Mr. Thompson lent them his, with which to spear fish in the night.

Three sturgeon, weighing sixty pounds each, were caught. They were good for clear water lake sturgeon ; this fish, like the hog, being most at home in mud.

Red Lake* is a fine sheet of water, about thirty miles in length and ten in breadth ; the banks twenty to thirty feet high ; the soil, somewhat sandy, produces fine firs and other woods ; in some places dwarf white cedar. The North-west Company occasionally had a trading-house here for a winter. The country, poor in furs,

* This is the lake to which the proposed boundary line of Canada was to be drawn in the abortive negotiations for peace in 1761.

would be exhausted by a winter's hunt, and would require to lie fallow for some time. The lake being partly covered with ice, the canoe was paddled in open places, and hauled on a rude sled, extemporized for the occasion, over patches of ice. This amphibious kind of travelling was continued over a distance of seventeen miles; wet, laborious work, performed amid many showers of rain and sleet.

A carrying place, six miles long, has now to be passed, in a southerly direction, the road leading through a forest of firs and aspens, with a sprinkling of oak and ash. The ground in the middle of the carrying place presented numerous ascents and descents of from twenty to forty feet; the first met with since Red River was left. By nine o'clock, P.M., April 23, everything had been carried overland to Turtle Lake. The source of the Mississippi River was reached four days later. The journey was very fatiguing. The country travelled over presented a succession of lakelets or ponds, some of which were open and others partly covered with ice, winding brooks and carrying places. The low level country everywhere presented the appearance of an immense marsh, growing an abundance of wild rice over an area of at least six thousand square miles.

The distance from Red River, south 70° east, fifty-six statute miles, was made in nineteen days—not quite three miles, in a direct line, a day. Owing to the winding character of the brooks, an hour's paddling would sometimes produce scarcely any progress.

Turtle Lake, the head of the Mississippi River, is about four miles square. Its small bays give it the shape of a turtle. This lake was supposed, in 1783, to be farther north than the north-west corner of the Lake of the Woods, and this supposition led to the error in the treaty of that year. The error arose from the fur traders who ascended the Upper Mississippi counting every pipe a league, at the end of which it was the habit to take a rest. Mr. Thompson found these pipe distances to be as unsubstantial as the smoke itself, and that each instead of three only measured two miles. And the error was not to make due allowance for the sinuosities of the river. By this false method of reckoning the

notion had arisen that the head waters of the Mississippi were 128 geographical miles farther north than Mr. Thompson's survey proved them to be. The north bank of the lake is in latitude $47^{\circ} 38' 20''$, longitude $95^{\circ} 12' 4''$.

Mr. Thompson here fell in with two canoes of Indians on their way to Red Cedar Lake, and as his own canoe was leaking he went with them in one of theirs. On the south-west corner of Turtle Lake is Turtle Brook, three yards wide, two feet deep, and having a current of two-and-a-half miles an hour. Rather than follow its windings, they made a portage of 180 yards to a small lake out of which they emerged into a brook, the fantastic windings and turnings of which they followed through a country of grass and marsh. Three portages had to be made to avoid as many falls, and several rapids with a gravelly bottom were passed over. On approaching Red Cedar Lake, several brooks from either side contributed their waters; the stream at the entrance of that lake being fifteen yards wide, two feet deep, and having a current of three miles an hour. Crossing the lake, a distance of five miles, Mr. Thompson reached a trading-house of the North-West Company, in charge of John Sayer, one of the partners, which was found to be in lat. $47^{\circ} 27' 56''$, long. $94^{\circ} 52'$, variation six degrees east. From the mouth of Turtle Lake to this trading-house the distance is, south 58° east, 25 miles; but the windings of the river more than treble the distance to be travelled. On each side of the valley grew oak, ash, elm, birch, pine, aspen, and, where there was a little elevation, fine maple; soil deep, grass long. Mr. Sayer and his men had passed the whole winter here, on no more substantial food than wild rice and maple sugar. The rice made good soup, but when Mr. Thompson tried to live on it he soon became ill. About sixty heads of families traded at this house, and Mr. Sayer estimated each Indian family at seven persons, which would make the whole number 420.

On the 3rd May, Mr. Thompson started down the river, now expanded to twenty-six yards in width by three deep, and having a current of two miles an hour. The Valley of the Mississippi had here the appearance of a meadow of long, half-dried grass, free from water, and scarcely half a mile wide, gradually expanding as

it descends. At the mouth of Sand Lake River, the river becomes sixty-two yards wide and twelve feet deep. Sand Lake River, south 48° east, is sixty-eight miles from Red Cedar Lake. In this distance there are ten miles of lake and fifty-eight of river; the windings on the river make the distance to be travelled on it two hundred miles. The descent from Turtle Lake to Cedar Lake is ninety-seven feet nine inches, and from Cedar Lake to Sand Lake River 333 feet four inches, making a change of level of no less than 431 feet in an apparently even country.

Arriving at Sand Lake River on the 6th, Mr. Thompson entered it to make his way to Lake Superior. This river is twenty yards wide, five in depth, and runs a mile and a half an hour. When he had proceeded a mile, half the distance to Sand Lake, Mr. Thompson arrived at another trading-house of the North-West Company, under charge of Mr. Boiské. Here were the women and children of about twenty families. All the furs bought at this post were the produce of the country between the Mississippi River and Lake Superior. Twenty heads of families brought their furs here; reckoning seven to a family, this post must have been supported by the labour of two hundred and ninety-four Indians, men, women and children. This trading-house was found to be in north latitude $46^{\circ} 46' 30''$, longitude, $93^{\circ} 44' 17''$ west.

Mr. Thompson had now to cross the country to reach the river St. Louis, by which he was to descend to Lake Superior. Crossing Sand Lake, May 7th, which is about four miles in length and one wide, to Savannah Brook, he proceeded eight geographical miles—made nine by détours—to a great swamp a mile wide, in a north 81° east direction; the latter portion, consisting of a bog, being passed over by means of a few sticks to form a road, to slip from which entailed the penalty of sinking down to the waist. Across this description of country, growing scrubby pines a few feet high, all the baggage of the party had to be carried. Over this route the North-West Company had to carry all the furs, provisions, baggage, goods, and canoes connected with their trade between Lake Superior and the Mississippi. The custom was for the person in charge of the brigade to cross this bog and swamp as rapidly

as possible, leaving the men to take their own time. It was so difficult to get canoes or goods over this swamp, of which no one standing in the middle could see the end, in any direction; it was the custom of the North-West Company to keep canoes at both ends. The swamp having been crossed, after a hard day's work and with the aid of an extra man, Mr. Thompson found the latitude to be $46^{\circ} 52' 3''$ north, longitude $92^{\circ} 28' 42''$ west, variation six degrees east.

Passing through a small brook a distance of twelve miles in a direct line, but twenty by its course, Mr. Thompson entered the River St. Louis, a stream about one hundred yards wide and eight deep. The men of his party, who had been in the habit of navigating this river for years, assured him that in August and the two following months it has only eighteen inches of water, running among stones, which it is often necessary to turn the canoe aside to avoid. In one of the many rapids of this river the canoe filled with water. Then came cataracts formed by a series of small steps round a point of rock, necessitating resort to a carrying place 1,576 yards long. Then after four miles more another carrying place of seven miles, where, on the left of the travellers, the river has a series of falls estimated at one hundred and twenty feet, below which the river flows with a moderate course into Lake Superior. Near the mouth of the river was a trading-house of the North-West Company, under charge of M. Lemoine, in latitude $46^{\circ} 44' 33''$, longitude $92^{\circ} 9' 45''$, variation five and a half degrees east. M. Lemoine's returns were six hundred pounds of furs, and he expected to obtain four hundred pounds more, nine kegs of gum from the fir trees to staunch the canoes, and one hundred and twenty gallons of maple sugar. About two hundred and twenty Indian families traded at this house, representing two hundred and ten persons in all.

"I have," says Mr. Thompson, "only set down my observations made at certain places, but they are numerous all over the survey, as every clear day no opportunity was omitted of taking observations for latitude and longitude to correct the courses and distances of the survey."

It was customary to lay up the canoes that descended the river to Lake Superior, as well as those that came up the lake. Mr. Thompson's party had to take a northern canoe twenty-eight feet in length, in a state of dilapidation. They repaired it and fitted it up with two oars, as there were only three men, to encounter the winds and waves of Lake Superior.

In canoes such as that Mr. Thompson here obtained, the fur trade was carried great distances into the interior; in his own words, it "extended to within two or three days' march of the shores and factories of Hudson's Bay."

OFFICIAL RECOGNITION OF THE NORTH-WEST COMPANY.

You will endeavour to prevail on them [Indians or Esquimaux] by such reward, and to be paid in such manner as may best answer the purpose, to carry to any of the settlements of the Hudson's Bay Company, or of the North-west Company, an account of your situation and proceedings; with an urgent request that it may be forwarded to England with the utmost despatch.—*Official instructions of Wm. Edward Parry, Commander of the Expedition, comprising the Hecla and the Gripper, by the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, May 1, 1819.*

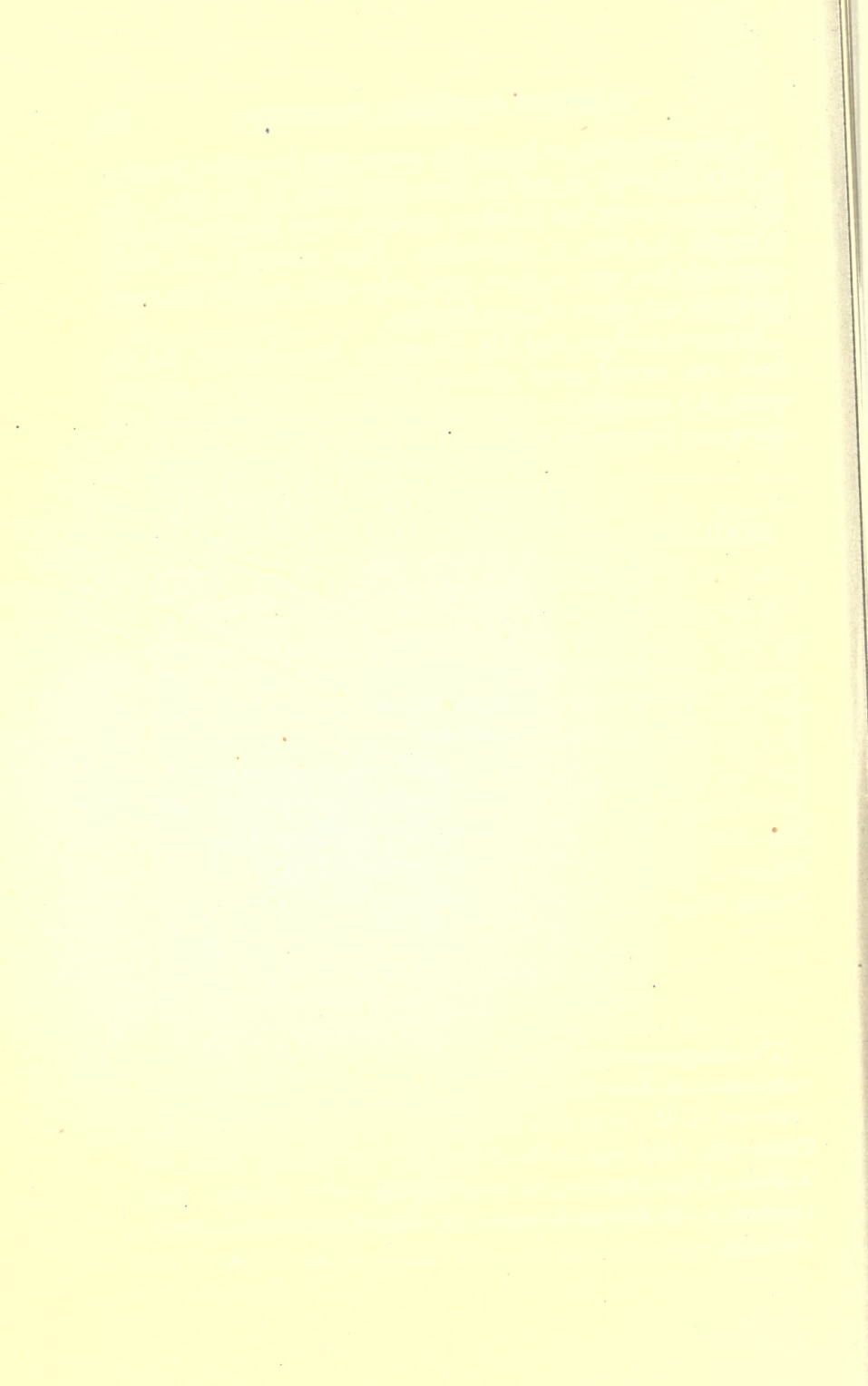
(Signed)

MELVILLE.

G. MOORE.

G. COCKBURN.

[The foregoing clause had previously been inserted in the official instructions of John Ross, R. S., Captain Royal Navy, who had command of His Majesty's ships the *Isabella* and the *Alexander*, March 31, 1818, signed Melville, J. S. Yorke, George Hope, and G. Moore, Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland.]



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